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ABSTRACT

This reference work details state by state progress in civil rights since the enactment of the Civil Rights Act of 1957. The 51 reports (50 states plus the District of Columbia) reiterate the major problems of the past two decades including education and employment. Other civil rights issues identified by the State advisory committees were: women's issues; special groups, for example, blacks, Hispanics, Asian and Pacific Americans; housing; civil rights enforcement; indigenous groups, for example, American Indians, Native Alaskans, Native Hawaiians; prisons; police-community relations; economic issues; voting and political participation; information and communications; migrants; health and safety; and undocumented aliens. The consensus of this work is that although the denial of civil rights to minority citizens is less blatant than it was twenty years ago, many of the old problems are far from remedied. Furthermore, other concerns which were barely recognized at the time the Civil Rights Act became law, have now surfaced as pressing issues. It is concluded that resolution of civil rights problems will require strict dedication to the carrying out of constitutional principles and legal mandates. (Author/GC)

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The Unfinished Business
Twenty Years Later...

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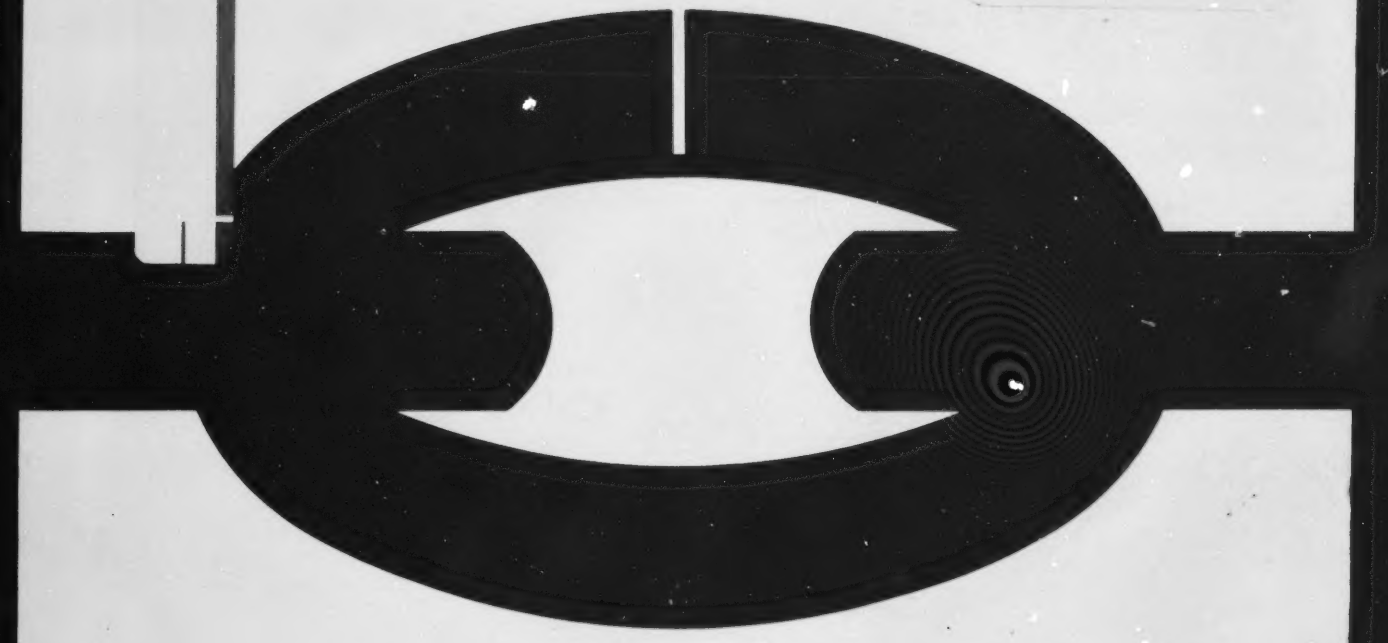

A report submitted to
The U.S. Commission on Civil Rights
by its Fifty-One State Advisory Committees

September 1977

UD 17478

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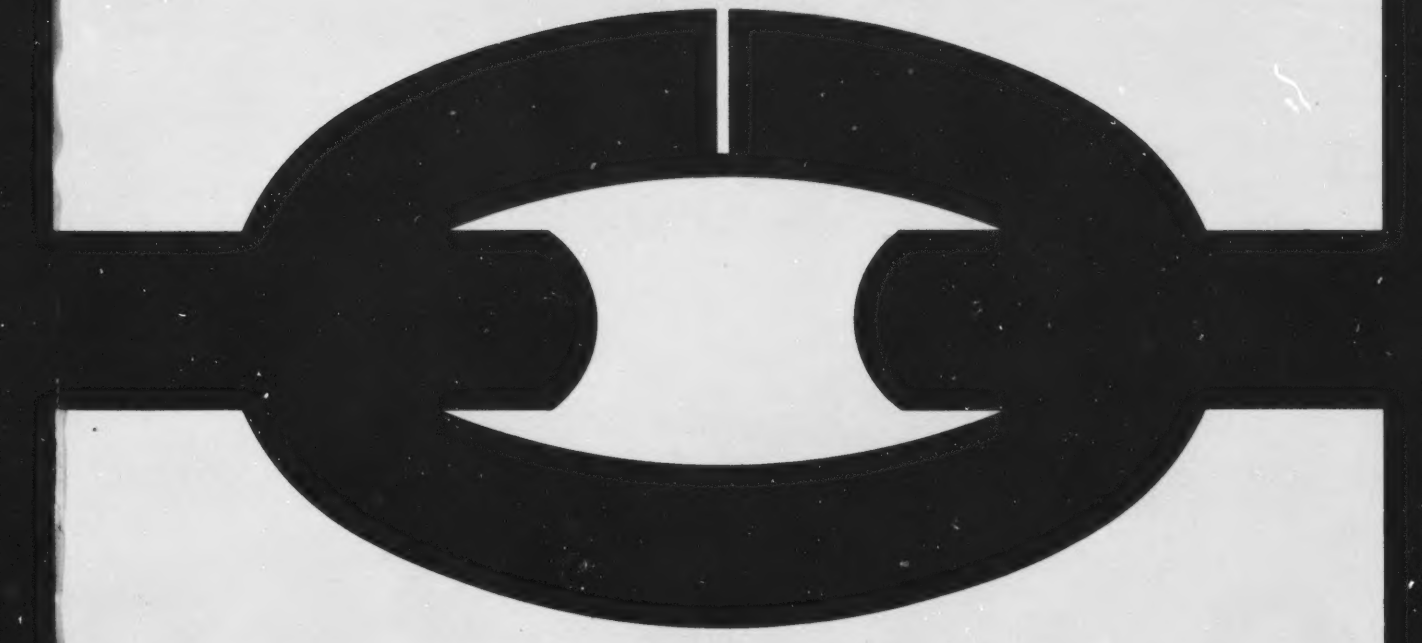

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ATTRIBUTION:

The findings and conclusions in this report are those of the State Advisory Committees and, as such, are not attributable to the Commission.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective State on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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Members of the 51 State Advisory Committees are indebted to the following regional directors and their staffs for their assistance in writing this report: J. Richard Avena, Regional Director, Malcolm J. Barnett, Eugene Bogan, Victor Bracero, Diane B. Brewer, Joseph T. Brooks, Regional Director, Gloria M. Cabrera, Elvira V. Crocker, Ruth J. Cubero, JoAnn Daniels, Edward Darden, Catherine M. Davis, Roy De La Rosa, Rosamond Dews, Grace Diaz, Diane Diggs, Bobby D. Doctor, Regional Director, and Richmond Doyle.

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Introduction

On the 20th anniversary of America's first civil rights law enacted in the 20th century, the 51 State Advisory Committees to the U.S. Commission on Civil Rights present this report on the status of civil rights to the Commissioners.

The U.S. Commission on Civil Rights was created by Congress in 1957 to conduct investigations and to provide information about civil rights and the administration of justice in America. Aware that an accurate accounting of civil rights depends in large part upon an intimate knowledge of local conditions, Congress authorized the Commission, under Section 105(c) of the Civil Rights Act of 1957, to establish an Advisory Committee in each of the 50 States and the District of Columbia. This report describes the problems, developments, and unfinished civil rights business in the United States as perceived by those Advisory Committees in 1977.

From its inception, the U.S. Commission on Civil Rights realized the critical need for involving knowledgeable citizens in the Commission's fact-finding work. Within months of its establishment, the Commission decided to organize a State Advisory Committee of five to nine members in every State. The first step was the designation of key States, and in 1958, 17 States were so designated. Among the first Advisory Committees organized were Texas, Indiana, Virginia, Michigan, and Florida. By August 1959 there were Advisory Committees in all of the 50 States except Mississippi and South Carolina. By 1961 there were Advisory Committees in every State and the District of Columbia. Advisory Committee members were asked to study civil rights problems in their States and report their findings and recommendations to the Commissioners.

During the turbulent 1960s, the Commission on Civil Rights looked to its State Advisory Committees for information, especially in such sensitive areas as school desegregation, voting rights, and desegregated public accommodations for blacks in the South. In 1961 the Advisory Committees jointly published *The 50 States Report*, until now the only compilation in one volume of each Advisory Committee's assessment of civil rights developments in its State.

The Advisory Committees to the U.S. Commission on Civil Rights are a microcosm of the Nation. They are balanced by race, ethnic group, age, and sex as well as by geography, political affiliation, and occupation. The Commission also requires that senior citizens and leaders of the business community be adequately represented on all Advisory Committees. As of February 4, 1977, a total of 861 individuals were members. Included were 65 American Indians, 29 Asian Americans, 244 blacks, 106 Hispanics, and 417 whites. There were 379 women, including nearly half the chairpersons.

Advisory Committee members are leaders in their communities. Because of the balance used to select its members, each Advisory Committee is accessible to every constituency, both geographic and ethnic, in the State it serves. This assures citizen access to someone local and known.

Members of the Advisory Committees serve without compensation but are reimbursed for standard Governmental travel expenses. These Committees are the eyes and ears of the Commission in the States. The Advisory Committees, moreover, are principal voices through which the civil rights concerns of citizens can be expressed to all levels of government—Federal, State, and local. Since it is not possible for the Commissioners and their Washington staff to monitor and evaluate every civil rights problem in each State or locality, they depend upon the Advisory Committees to identify potential problems and to investigate, report, and submit recommendations to the Commission on local and national matters. In this way, the Advisory Committees bring the Commission as close as possible to the citizens of the Nation. And just as the Commission serves as the civil rights conscience of the Nation, so have the Commission's Advisory Committees become the consciences of their States.

The Advisory Committees have four major functions and responsibilities:

Information

The Advisory Committees obtain, analyze, and disseminate civil rights information in their States. They serve as liaison with community groups, attend or sponsor conferences and seminars, and assist the Commission in disseminating reports and recommendations through press conferences and other public meetings.

Monitoring

Advisory Committee members continuously monitor the implementation of civil rights laws at the grassroots level and respond to citizens' requests for onsite assessments of current or potential problems. In this way, they help the Commission identify civil rights trends and keep the Commissioners informed about developments as they occur. Through the Commission's regional staff, each Advisory Committee reports its observations of civil rights issues in its State and provides a detailed progress report on local projects.

Investigative and Research Projects

Since their inception, the Advisory Committees have issued more than 150 reports containing specific findings and recommendations on civil rights concerns. (Appendix 2 lists those reports by State.) Many of these Advisory Committee reports have been used by the Commission in developing recommendations for new legislation and policy. In addition to self-initiated studies, the Advisory Committees selectively participate in national Commission studies. In the past few years, coordinated by field and headquarters staff, studies of school desegregation, prisoners' rights, and immigration have been receiving comprehensive and indepth attention from the Commission and its Advisory Committees. The Committees also serve by following up Commission activities and reports, as well as their own reports, and assess the extent to which recommendations have been realized.

Complaints

Another function of Advisory Committees and regional staff involves the receipt and transmittal of complaints alleging violations of Federal civil rights laws and policies. Written, walk-in, and telephone complaints from citizens looking for help from government are referred by the regional offices to appropriate Federal, State, or local agencies.

Although most complaints are merely referred, complaints from organizations and agencies or the same complaint from many persons may result in specific action such as a full-scale project by regional staff or the Advisory Committee.

Regional Offices

The nine regional offices of the Commission on Civil Rights provide staff support, technical assistance, and guidance to the 51 Advisory Committees. Each regional office is responsible for from four to eight States. Field representatives work directly with Advisory Committees and are assigned on the basis of one field representative for two Advisory Committees. Each regional office also has an attorney and a research-writer who work with all Advisory Committees. Some of the larger regions also have deputy regional directors.

The Commission's field staff assist the Advisory Committees in the development of projects, play a major role in data collection, direct followup and implementation procedures, and are generally responsible for preparing drafts of Advisory Committee reports. In each of these activities, many Advisory Committee members participate as workers as well as advisors.

In addition to their responsibilities to Advisory Committees, field staff carry out specific assignments from Washington. They maintain liaison with other governmental officials and private groups and generally keep abreast of civil rights developments within their regions. (Appendix 1 of this report is a roster of regional offices.)

The Unfinished Business—20 Years Later is the product of 51 separate, independent, and very different Advisory Committees, and their reports reflect the diversity and pluralistic society which is America. For each of the civil rights laws which must be enforced, there are a multitude of characteristics, cultural traditions, and other variables in each State that require a local approach to achieve compliance. These 51 State reports are not uniform either in approach or in content. They are based on information developed in the course of public meetings, review of census data, extensive research, or field investigations.

This report has three parts: (1) a summary of the State reports; (2) the 51 State Advisory Committee reports in alphabetical order; and (3) appendices which contain a roster of the regional offices, a chronological chart of State Advisory Committee publications to date, and a matrix chart of subjects discussed in the 51 State reports.

Each report contains a brief profile of the State, a description of significant civil rights developments in recent years within that State, a description of the State's principal unfinished civil rights business, and a roster of State Advisory Committee members. Documentation and reference citations are on file in Commission offices and available upon request.

Civil and Human Rights

The jurisdiction of the Civil Rights Commission and its Advisory Committees does not now extend to international human rights matters. Nevertheless, the Commission's work is integrally related to President Carter's efforts to expand and protect human rights throughout the world. Indeed, the credibility and success of America's new foreign policy will be determined largely by the degree to which our Nation achieves domestic equality and social justice. The work of the U.S. Commission on Civil Rights and its 51 State Advisory Committees is dedicated to that end.

Summary

The unfinished business of achieving compliance with civil rights laws remains a formidable task for all of America's citizens and their layers of government, despite visible progress in certain critical areas such as voting rights, public accommodations, and public transportation.

In their 1977 reports to the U.S. Commission on Civil Rights, the 51 Advisory Committees identified significant civil rights issues in their communities and described the current status of those issues in their historical context.

An inescapable message emerges from these reports and creates a common thread—that each civil rights problem today is more complex and infinitely more difficult of resolution than it was two decades ago when the Civil Rights Act of 1957 became law. Amendments to that act and subsequent laws reflect both legislative attempts to achieve equal rights for all and some erosion of legislative commitment. More subtle forms of discrimination continue to materialize, requiring ever more stringent enforcement to ensure compliance with the law.

The 1977 Advisory Committee reports reiterate the major problems of two decades ago—education and employment—and stress the need for access as well as equal treatment. School desegregation and economic problems remain high on the list of civil rights concerns that now include equal credit opportunity, equal pay for equal work, employment discrimination, affirmative action to overcome the effects of past discrimination, bilingual-bicultural education, discrimination in higher education, testing methods to determine employment and educational levels, stereotyped dead end roles, institutionalized discriminatory practices, and discriminatory allocation of revenue sharing funds and municipal services.

Women's issues have emerged as one of the most important subjects in the 1977 Advisory Committee reports and range from employment discrimination and reproductive choice to equal credit opportunity and domestic violence. Many States report achievements in establishing State or local commissions on women. Prohibitions against gender-based discrimination in local ordinances were also reported, although enforcement of these laws varies among the States.

The right to equal access to housing remains a major civil rights concern, despite the passage of open housing legislation in Title VIII of the Civil Rights Act of 1968. Just as the U.S. Commission on Civil Rights determined that housing issues constituted a principal area of interest in its first report (1959) to the President and the Congress, so have the State Advisory Committees in 1977 voiced their concern about the housing needs of rural and urban residents. Federal housing and community development programs continue to hold the attention of concerned State and local organizations.

In the 1970s one of the major areas of State Advisory Committee research and factfinding activity has been the administration of justice, especially as it affects prison systems and police-community relations. Several Advisory Committees reported comprehensive studies of their State prison systems and other Advisory Committees continue to monitor the treatment of prisoners. Recommendations for minority staffing, from guards to administrative policymakers, reflect the Advisory Committees' awareness of the need for equal employment opportunities and for ethnic and cultural sensitivity between prisoners and their keepers. At the same time, the shifting composition of the cities requires local police forces that are sensitive to the ever changing sociological and cultural characteristics of each community. Advisory Committees have recommended increased recruitment of indigenous police officers and locally initiated training in police-community relations as steps to improving local law enforcement.

The right to vote and to participate in America's democratic political system are two of the basic tenets of our Constitution. Although the denial of these basic rights to minority citizens appears to

be somewhat less blatant in 1977 than it was in the late 1950s, threats of economic sanction, gerrymandering, and redistricting of minority communities prevent or hinder full compliance with the law. Split and divided among several voting districts, blacks, Hispanics, and other minorities find their ability to elect members of their minority communities diminished or lost.

Advisory Committees have reported that election or appointment of minorities to State and local positions is critical to influencing State and local policies and programs successfully, and several Committees have recommended judicial appointments of minority persons to create bridges between their communities and the justice system.

Several reports described the achievements as well as the failures of State or local civil rights commissions, whose jurisdictions sometimes include discrimination based on handicap, sexual preference, and age, in addition to race, color, religion, national origin, and sex. Only a few reports did not mention at least one such State or local agency.

Communications and the need to provide minority groups access to the written and visual media are also emerging as important civil rights issues, as is the need for better information and census data on women of all races and on minority men.

The State Advisory Committees also reported that the plight of predominantly minority migrant workers and their families is an issue no longer confined to the rural agricultural fields. Movement into unfamiliar industrial centers or urban areas has created hardships for migrant workers and their families, and the need for employment, workers' compensation, housing, education, health, and other services is often invisible to the general population.

Concern for undocumented aliens remains a critical civil rights issue in the 1970s. While Federal and State governments unsuccessfully attempt to count them, undocumented aliens have been accused of taking jobs from American citizens and increasing social and economic problems within ethnic communities, especially Hispanic. Exacerbated by some enforcement practices of the Immigration and Naturalization Service of the U.S. Department of Justice, the problem is described as twofold: there is a need to protect the human rights of all people, alien or citizen, and there is the constitutional right of all citizens and resident aliens to be free from harassment or intimidation that may result from erroneous identification as undocumented aliens.

In all, 15 civil rights issues were identified in the 1977 reports of the Advisory Committees: (1) education; (2) employment; (3) women's issues; (4) special groups, for example, blacks, Hispanics, Asian and Pacific Americans; (5) housing; (6) civil rights enforcement; (7) indigenous groups, for example, American Indians, Native Alaskans, Native Hawaiians; (8) prisons; (9) police-community relations; (10) economic issues; (11) voting and political participation; (12) information and communications; (13) migrants; (14) health and safety; and (15) undocumented aliens.

The 1977 report of the 51 State Advisory Committees to the U.S. Commission on Civil Rights provides an overview of national civil rights progress, both achievements and failures, and presents a challenge to the Nation's respect for constitutional authority. Completion of the unfinished civil rights business will require renewed dedication to the principles of equal justice for all.

Alabama

Alabama has made progress toward assuring civil rights for all its citizens since the Selma March, the Montgomery bus strike, the Birmingham church arson, and the frequent use of police dogs. But Alabama still has a long way to go. Today the white "radical" lawyer who vigorously opposed Bull Conner's tactics and attitude is mayor of Birmingham. The father of one of the young girls who died in the church fire is now a member of the Alabama Legislature, along with 15 other blacks.

The desegregation of schools and public accommodations—crisis areas of the early days—are usually "givens" today. Many persistent problems remain, however, most of which are economic and stem from the years of discrimination against blacks and suppression of women. Sharecropping is gone, but the hovels the workers lived in are still inhabited by their descendants. More than 180,000 occupied dwellings in the State—almost 1 out of 5—are substandard and dilapidated. In 21 of the State's 67 counties, 40 percent or more of the families exist on the lowest income levels in the Nation. In seven counties in southern Alabama, the per capita annual income ranges between $516 and $1,499.

The needs of the elderly and the rural poor—both white and black—for food, transportation, education, and health services have hardly been touched by Federal programs, which appear to be designed primarily for urban centers. Except for the occasional visits of a VISTA worker, some old people living in the country reap little benefit from the nearly $1 billion in Federal monies Alabama receives each year.

The first decade after passage of the Civil Rights Act of 1957 was devoted to the physical struggle for equality. During the second decade, following the deaths of Martin Luther King and the Kennedys, the Federal Government put forth myriad pieces of legislation to right past wrongs and created numerous agencies to implement programs designed to benefit the underprivileged.

The impact of Federal law on social change in Alabama has been positive in several areas because of one Federal judge, native Alabamian Frank Johnson, an Eisenhower appointee to the U.S. District Court, Middle District of Alabama. In three areas of civil rights which the Alabama Advisory Committee believes are critical to the State—prison reform, discrimination in government employment, and political participation—Judge Johnson's influence has been significant.

Civil Rights Developments

Prisons and Human Rights

The Advisory Committee initiated a study of State prisons in 1972. Extensive background investigations and research were conducted in all 19 institutions from November 1972 through July 1974. Contact was established with key State correctional officials, legislators, correctional officers, inmates, former inmates, civic groups, civil rights groups, and knowledgeable individuals, including members of the media. In March 1973 an open meeting was held in Montgomery, and the Advisory Committee's report on prisons was released in 1974.

One key recommendation made in *Alabama Prisons* was that a public, biracial committee be appointed to monitor daily prison operations. Such a committee was established by the Federal court after suit was brought against the prison system. Dr. George Beto, appointed by the court to monitor change within the system, says that prisons in Alabama are now cleaner and less crowded and that rehabilitative programs have improved.

Another important recommendation called for the expansion of all rehabilitative programs, with special emphasis on work release programs. Because of court orders and new legislation, prisoners are now involved in more useful work projects, new prison industries have been created, and State agencies are required to purchase prisoner-made products. The legislature, however,

has still failed to appropriate sufficient funds for operating the system. As recommended by the Advisory Committee, Governor George Wallace named the first black to the board of corrections in 1974; there are no women on the board.

Since the report was published, the Advisory Committee has engaged in extensive followup activity, including meetings with members of the Alabama Board of Corrections to review and discuss adoption of the Committee's findings and recommendations. In addition, the Alabama Legislature's Joint Committee on Criminal Justice used the Advisory Committee's study in its own report to the Governor.

The Alabama Advisory Committee continues to monitor developments in the prison system.

Employment

The Alabama Advisory Committee has studied discrimination in employment and appointed positions in State government, boards, and commissions. Mindful of the depressed economy, the low per capita income in Alabama, the high unemployment rate among blacks, and the fact that the State employs about 25,000 persons (mostly white males), Advisory Committee members feel that the right to equal economic opportunity is the major area of concern in Alabama today.

Women and minorities appear to have been excluded from positions at decisionmaking levels, while access to higher paying jobs seems to be based on a "buddy system" rather than one of merit.

Although more than 30 percent of Alabama's population are minorities, only about 3 percent are employed by the State. The jobs that women and minorities hold usually fall in the lower paying traditional categories, e.g., clerical and custodial. The Governor has not appointed any women to major State boards although a few black men are now beginning to appear in important and higher salaried positions.

Alabama has never had a statutory provision of general application concerning equal employment opportunities. Persons who oppose discrimination in employment have sought remedies under the U.S. Constitution and the Civil Rights Acts of 1866, 1870, and 1871.

A Federal court order issued August 20, 1976, by Judge Frank Johnson gave the State 1 year to show marked improvement in its current employment practices regarding minorities. In his memorandum opinion, Judge Johnson cited all 70 State agencies (with the exception of the department of public safety, already under a specific court order on hiring) for inadequate representations of minorities, especially among the professional and technical level pay grades. Judge Johnson warned the State that if a marked improvement in minority employment was not evident in the records, the court would establish goals and timetables—as it had for the department of public safety.

In mid-1977, the Supreme Court ruled that Alabama's height and weight requirements for corrections officers were unconstitutional, thus paving the way for females to be hired in one critical service agency that has had the poorest female-to-male ratio of all Alabama departments.

Voting Rights and Political Participation

Although recent Federal court orders to reapportion districts in the Middle District of Alabama have resulted in the election of 13 black State representatives and 3 senators, representation of minorities and women in local offices—town councils, school boards, boards of aldermen, etc.—is still far short of their proportion in the State population. Alabama has about 51 percent women, but only 1 woman sits in the house of representatives. About a third of the State population is black, but only a small percentage has achieved State office; even fewer are to be found in local government.

Clearly, the substantial increase in the number of black officeholders in Alabama does not obscure the fact that neither blacks nor women are represented in proportion to their numbers in the Alabama population. Overall, elected black officials constitute only 2 percent of the officials in the State.

At the municipal level, in what may be a landmark case, in Mobile the U.S. district court in August 1976 ordered that the three-member, at-large, commission form of local government be dismantled and replaced with a mayor-council form. The court noted that only 10 percent of the 482 positions on city commissions were held by blacks, although the city's population is 33 percent black. The court will rule later on the apportionment of

the election districts. Mobile city officials are appealing the decision and have called on other U.S. cities with commission forms of government to help with the fight.

The confrontations of the 1960s over permitting blacks to register to vote is almost forgotten now as political office seekers realize how powerful a swing vote this group can be. During the Bicentennial celebration in July 1976, Governor George Wallace issued a proclamation urging everyone to register and lauding the Voter Education Project for its past efforts.

Nevertheless, the inability of blacks to become candidates for local office—city council, school board, mayor—became evident during an investigation of complaints of voting fraud in Covington County. In the fall of 1976 the Southern Regional Office of the U.S. Commission on Civil Rights responded to an urgent request from a former Advisory Committee member who had served as a pollwatcher during a municipal election in Opp, a small Covington County town. Allegations of violations of civil rights laws and denials of equal justice under the law were made by Opp residents, white and black, who agreed that every possible State and Federal resource had been contacted for help and that the appeals for election observers had not brought any response from responsible officials.

Sworn statements and other materials related to the allegations were forwarded to the Assistant Attorney General for Civil Rights, U.S. Department of Justice.

Unfinished Business

The Alabama Advisory Committee believes that the State, itself one of Alabama's largest single employers, must set an example for private employers by altering its hiring and promotion practices. The State's working population at all levels and categories of employment should be proportionally representative of the available work force. More than rhetoric and token appointments are necessary to correct the imbalance in the hierarchy of Alabama's State government. Basic changes in attitude and practice are needed.

The Advisory Committee believes the U.S. Department of Justice should be encouraged to expand its suit against the State of Alabama to cover discrimination against women as well as blacks. Committee members contend that the placement of more women and minorities in responsible positions in State government will yield a more representative civil service and, in turn, more equitable distribution of services.

What became clear during the investigation in Opp was that the Voting Rights Act of 1975 is inadequate to protect political participation rights above and beyond the registration of voters. While the Department of Justice monitors voting in Alabama counties with a majority of black voters, it does not monitor districts such as Covington County where blacks comprise a third of the population.

Violent actions to prevent voter registration have been replaced with economic intimidation—threats of loss of State licenses, loss of jobs, and foreclosure of mortgages. Allegations include offers to purchase votes for small amounts of money, falsification of registered voter lists, and interference with the prerogative of illiterate persons to choose who can assist them in the voting booth.

While literacy is no longer a requirement for voting, thanks to the Voting Rights Act, advantage may be taken of some illiterate voters as they reportedly are "aided" by poll officials who may pull levers or punch holes for candidates other than those chosen by the voter.

The Alabama Advisory Committee believes that the U.S. Commission on Civil Rights is the agency best suited to study the comprehensiveness of current and proposed voting rights legislation regarding protection beyond registration. This Advisory Committee will propose, for its part, to conduct a case study in Alabama on the equity of local procedures. The study would assess such procedures as the selection of poll officials and preparation of eligibility lists, and would evaluate the need for independent monitoring of many such procedures. The most basic right guaranteed by the U.S. Constitution must be protected against new threats posed to minorities, the illiterate, the elderly, and persons who do not speak English as their native language.

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Alaska

The State of Alaska has a total population of 300,382. The single largest ethnic group is the Eskimo (28,186). American Indians (16,276) are the second largest ethnic group; Aleuts number 6,352. The Native Alaskan population is 17.9 percent of the State's total population and resides mainly in rural areas.

In Alaska 12.8 percent of the population lives below the poverty level; a disproportionate number are American Indians and Eskimos.

Civil Rights Developments

Native Alaskans are in cultural transition. Traditional customs and patterns are being synthesized with modern or majority ways. Education is one area which mirrors the changing ways.

Public elementary school children in Alaska attend either borough or unorganized borough schools. Borough system schools are overseen by the State department of education. In the "unorganized boroughs," students attend either Bureau of Indian Affairs (BIA) schools or State Operated Schools (SOS).

All rural schools were at one time either BIA- or church-operated. Today the BIA runs only 51 schools, while the SOS runs school programs in 127 villages. Fewer than 5 percent of those currently teaching in rural schools know the local language or culture. Several programs in recent years, however, have attempted to improve educational programs, particularly in the bush areas.

In 1970 the BIA began a bilingual pilot program in four Bethel area villages using funds from Title I of the Elementary and Secondary Education Act. The participating villages had one central orthography and the teachers were Native Alaskans. Three more villages were included in 1971.

Public elementary schools run by the Bureau of Indian Affairs have expanded their bilingual-bicultural programs from 7 to 11 schools. There are also 13 bilingual-bicultural kindergarten programs.

In 1972 the Alaska State Legislature mandated that an SOS which received Federal funds and was located in a village with more than 15 children whose primary language is other than English must have at least one teacher who is fluent in the native language spoken in the particular area. That act stipulated that written and other materials in such villages be produced in the relevant language. A bilingual education fund was also set up. The State Operated School system of Alaska has 52 bilingual programs in 98 schools.

Federal funds through the Johnson-O'Malley Act are used for 64 programs in 58 schools throughout the State. Programs for Native Alaskan education are also funded under the Indian Education Act of 1972. The Alaska Education Program for Intercultural Communication is directed by the State and is funded under Title IV of the Emergency School Assistance Act and Title VII of the Elementary and Secondary Education Act.

There are few postsecondary facilities in rural areas. Most Native Alaskan children who want a postsecondary education must leave their villages. This extended separation from family and village has often been a traumatic experience, even when the need for educational advancement is recognized.

Three years ago, in a case still under litigation, the Alaska State Operated School system was sued. The lawsuit charged the school system with racial discrimination by its failure to provide equal educational opportunities for Native Alaskan children.

In a recent development, the Alaska Legislature on July 1, 1976, passed S.B. 35, which dealt with public education in the unorganized boroughs. This legislation did away with the State Operated School system and set up regional education boards with elected members.

Postsecondary education in Alaska is predominantly urban oriented. The university system has nine community colleges. Eight of these are located in non-Native urban areas. One is located in the Native town of Bethel. The main university campus is just outside Fairbanks. The university

system has a weak affirmative action program. A court case on employment discrimination brought by a nonwhite woman is currently being litigated.

Administration of Justice

Problems in the administration of justice in rural Alaska have received a great deal of publicity in the last few years, chiefly because of the efforts of the Alaska Legal Services.

In rural areas, there is inadequate police protection. Out of 188 State troopers, 12 are assigned to rural Alaska, and only 1 is Native. Of 200 magistrates in the State, there are only 6 Native village magistrates. Language problems and charges of unequal application of fish and game laws are also recurrent problems in the justice system.

The Bush Justice Conferences held in Minto (1974) and in Anchorage (1977) found the following:

- Police protection for village people is inferior and in need of improvement.
- The importance of fish and game protection to village people is underestimated by State authorities, and fish and game laws are unequally applied between sport and subsistence users.
- Village people do not generally understand the State justice system and the State justice system does not generally understand the village people.
- Village people do not want their children or their elderly removed from the village by the schools, courts, police, or other agencies.
- Participation of village people in virtually all agencies of the justice system is severely lacking.
- Village life should be governed by village law and custom as much as possible.
- Progress in the improvement of the bush justice system has been much too slow.

Trials usually take place in urban areas, causing financial hardship to Native Alaskan defendants who must travel to and from home villages. Language and translation difficulties severely hamper equitable administration of justice.

Discrimination against minors, especially within the criminal justice system, is also a concern. Several legislators are reviewing the possibility of providing counsel for minors in custody cases. Dependent Native children and children in need of supervision are often placed in foster homes which do not reflect the values and customs either of their own homes or of their community. Rural Native children are often placed in white, urban, middle-class homes.

The female offender is under considerable disadvantage in the Alaska justice system. Anchorage jail facilities are not as extensive for women as they are for men. Male offenders under pretrial detention are segregated from hardened criminals, but no such segregation exists for female offenders.

Although the Alaska Division of Corrections provides institutional programs such as vocational, educational, and work programs to male offenders, it does not provide these programs to female offenders.

Employment

In 1972 Alaska's overall unemployment rate was 10.4 percent. The unemployment rate for Alaska Natives is 20.6 percent.

For many Native Alaskans, work is seasonal. They are also not recruited or trained for managerial positions. For those employed by the Bureau of Indian Affairs, promotion is often slow; the BIA has been lax in affirmatively promoting Native Alaskans.

To ameliorate some of these conditions, the Oil Lease Hire Act of the State of Alaska stipulates that the commissioner of natural resources must hire qualified Alaskan residents for all projects arising from leases, easements, and right-of-way permits for petroleum purposes. The State has also developed the Alaska plan—an affirmative action agreement setting specific goals for minority workers in the State construction industry.

Women

Women's participation in the labor force is increasing. Younger women, especially those under age 35, and married women, especially those with small children, are finding employment. In spite of a dismal past history, 40 percent of Alaskan women are in the work force. Although the number of women employed has tripled, their participation in State government employment has declined.

The goal of 14.1 percent female workers in blue-collar employment set by the U.S. Equal Employment Opportunity Commission and the State

human rights commission was achieved in 1973–74. However, the 1975–76 level of female participation declined to 7.4 percent.

Women are employed in three traditional occupational categories: clerical, service, and low-status professional. According to a report issued by the State for International Women's Year, *A Preliminary Study: The Status of Women in Alaska*, women are discriminated against in classifications, pay schedules, and promotional practices.

Health Services

Women and minorities allege discrimination in health delivery services. Native Alaskans living on non-Federal land are provided health care by the Alaska Native Health Service; rural Natives seem to be generally satisfied with this system except for dental care. Allegations have been made that Natives receiving services from the Native Health Service are excluded from receiving any State health services.

Anchorage Natives have recently charged that the Alaska Native Service Hospital is not meeting the needs of its clients. Women have alleged that public gynecological and obstetrical clinics are staffed by inadequately trained personnel.

Unfinished Business

A major concern on the part of Native Alaskans is that the laws which are ostensibly for the purpose of assisting Native Alaskans are in some ways having the opposite effect. The Civil Rights Act of 1964, as amended in 1972, and Alaska Statute 18.80 were designed primarily to address the needs of urban minorities in the areas of employment, housing, and public accommodations. Because Alaska's minority population is concentrated in rural areas, Federal and State statutes do not meet the needs of the State's most populous minorities: Eskimos, American Indians, and Aleuts.

In Alaska, a low-cost dwelling may cost as much as $85,000 in certain geographic areas because of the severe weather conditions, particularly permafrost. The Department of Housing and Urban Development (HUD) in fiscal year 1977 allocated $2,588,000 for nonmetropolitan Indian housing. Through their own managerial skills and governmental bodies, the Tlingit-Haida tribes (working with HUD) have developed a successful building program.

Native Alaskans want to increase Native control and they want State and Federal agencies to recognize their traditional customs and patterns. Eskimo village councils have almost no power, but are controlled by the State and Federal governments. If the Federal Government authorizes offshore drilling, such activity will affect coastal villages. Residents of the villages have no voice about when or how the drilling will take place.

There is also need to revise Alaska's criminal code to minimize discretion in setting prison sentences to assure equitable administration of justice.

Alaska's minorities based a great deal of hope on one section of the Trans-Alaska Pipeline Authorization Act of 1973 which charged the Secretary of the Interior with the responsibility of ensuring an affirmative action plan for minority hiring on pipeline construction work. Two sections of the agreement and grant of right-of-way for the Trans-Alaska Pipeline (between the United States and the various member corporations of the Alyeska Pipeline Company) deal with equal employment and Native hiring. Negotiations on affirmative action plans between the Government and the pipeline companies were conducted in January 1975. However, only a small number of minorities and women were hired. With the recent completion of the pipeline construction, the issue may be moot and there is little hope that women and minorities will find employment in the exploration of other natural resources such as coal and natural gas.

Alaska Advisory Committee Members

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Arizona

Arizona, with a land area of 113,417 square miles, had a population of 2,270,000 in 1976. The population in the Grand Canyon State includes: Hispanics, 405,200; American Indians, 117,900; blacks, 63,300; and other nonwhites, 13,500.

Arizona's history reflects the traditional image of the Old West. Despite a focus on rugged individualism and the frontier spirit, the treatment of Arizona's minority population, especially American Indians, includes oppressive, exploitative, and discriminatory practices. Perhaps the best example of this treatment was the relegation of Native American Indians to reservations on marginal-subsistence land.

The effect of these practices has been devastating to Arizona's minority population, especially the Indians. In 1970 the median number of years of school completed by the Arizona white population 25 years and older was 12.3 years. For the black population it was 9.7 years, and for Mexican Americans the median number of years completed was 9.0. For American Indians, the median was 7.8 years.

Civil Rights Developments

American Indian children face special problems that complicate their educations. They encounter new concepts, values, and attitudes when they enter school and many must learn English as a second language. A large proportion have also grown up in isolation both geographically and socially and have had little or no experience with the larger society. Reservation Indians live in remote areas of Arizona which isolates them economically. For example, most of the Navajo Reservation, encompassing some 24,000 square miles, is remote from any major nonreservation population centers and employment opportunities.

Nonreservation Indians and other minorities continue to face problems in such areas as administration of justice, employment, and housing. The U.S. Commission on Civil Rights has documented that low educational and occupational levels are usually accompanied by low incomes; this is also the case with American Indians and other minorities in Arizona.

The Arizona Advisory Committee has been active in attempting to document abuses of Indian civil rights and to offer recommendations for constructive change. In addition, other Federal and State agencies and private groups have pressed their concerns for a redress of inequities.

Administration of Justice

In 1974 a bill to make the Arizona Department of Corrections into an educational district passed the State senate but was defeated in the house. The law would have required and funded eighth-grade education for all State prisoners and made the penal institutions eligible for Federal funds for special projects such as bilingual and vocational training programs.

A 1974 study by professors at the University of Arizona on medical services available to prisoners criticized the prison administration's medical care for women, the general state of mental health services, and the failure of communication between the administration and the prisoners. The study also recommended the establishment of an alcohol and drug abuse program.

On March 14–15, 1974, the Arizona Advisory Committee conducted informal hearings on adult corrections in Arizona. The study found that the State prison at Florence was grossly overcrowded and that available facilities were inadequate.

The Arizona Advisory Committee report, *Adult Corrections in Arizona* (January 1975), stated in its recommendations that "speedy selection of an urban site by the Department of Corrections for its planned medium security facility is imperative." Work on a new medium security State prison officially began in June with groundbreaking on a 640-acre desert site near Tucson.

The Arizona State Prison at Florence continues to experience problems. A 2-month long, peaceful work strike by most of the inmates was marred in April 1977 by episodes of violence involving more

than 200 inmates who damaged dormitories and guard stations during the 3-day rampage. The State corrections director appealed to legislative leaders for additional funds to move 120 women prisoners from Florence to a Maricopa County facility in Phoenix to relieve overcrowded conditions.

Local law enforcement problems go beyond overcrowded conditions and inadequate facilities. A report issued in November 1975 by the Arizona Civil Liberties Union sharply criticized the administration of justice to American Indians in Flagstaff, Arizona. Major allegations of the report are that the Flagstaff municipal court practices illegal incarceration of intoxicated persons, fails to inform defendants of their rights to counsel, and too casually accepts guilty pleas of Indian defendants.

The Arizona Advisory Committee conducted hearings on the administration of justice for American Indians in off-reservation areas in November 1975, and released its report *Justice in Flagstaff: Are These Rights Inalienable?* on March 16, 1977, in Phoenix and Flagstaff.

The Committee's report stated that the administration of criminal justice in Flagstaff is not always equal for all persons regardless of race. Although part of the problem derives from cultural conflict, the Committee found deficiencies that could be rectified with minimal effort by the State of Arizona and the city of Flagstaff. Specifically, the Arizona Advisory Committee found: (1) that unnecessary arrests in violation of the law are made of persons who are simply intoxicated; (2) that the State of Arizona and the city of Flagstaff have failed to ensure the funding of local alcoholism reception centers; (3) that, of those persons arrested for minor traffic offenses, Flagstaff illegally requires bonds only from American Indians; (4) that nonlawyer magistrates fail to advise defendants fully of their constitutional rights in criminal proceedings; (5) that a full-time court interpreter is needed for those Indians who do not speak English; (6) that Arizona needs to create a statewide public defender system; and (7) that courts should ensure that American Indians are not excluded from jury panels.

In 1977 the Tucson Police Department dropped Spanish language culture classes begun in 1975 because of increased costs and inability to guarantee officers assignments in Hispanic neighborhoods. About 24 percent of the city population is Mexican American. The Tucson Police Department has 68 Mexican American officers, out of its 535-member work force.

Border patrol agents operating in Pima County and on the Papago Indian Reservation in southern Arizona arrested 531 undocumented aliens during April 1977. Arrests in the Tucson sector, which includes the entire State except for Yuma and Mojave Counties, numbered 3,691 in April.

Education

Educational issues remain a priority item in the State. Black parents sued Tucson School District No. 1 in 1974 charging it with discrimination against black students. A similar suit was filed on behalf of Mexican American students, the district's largest minority, that same year. Tucson School District No. 1 was ordered to submit a plan for desegregating its schools in February 1976 by the Office for Civil Rights, Department of Health Education, and Welfare. In April 1977 lawyers for the parents and the U.S. Justice Department outlined segregation practices that they allege have existed in Tucson, Arizona, since the early 1900s. The lawsuits being heard in Federal court claim the school district's segregation practices have deprived minority children of an equal education.

The Arizona Governor's Advisory Committee on Community Coordinated Child Care issued its third report in November 1975. The report recommends the establishment of quality bilingual education and preventive health care services for children in Arizona. The report specifically noted that minority children, especially American Indians and Mexican Americans, are receiving an inadequate education and need these services.

Fourteen Arizona school districts were cited in June 1976 by the San Francisco Office for Civil Rights (HEW) for failure to comply with Title VI of the Civil Rights Act of 1974 and the U.S. Supreme Court's *Lau v. Nichols* decision on bilingual education. The districts were directed to submit plans which will ensure compliance.

On October 19, 1976, a Federal court in Washington, D.C., ruled that a regulation of the U.S. Department of Health, Education, and Welfare denying incremental impact aid payments to school districts for handicapped Indian children was illegal. The ruling came in *Chinle Common*

School District No. 24 v. Mathews. The practical effect of the court's decision is to make several million dollars available to the 600 school districts that enroll Indian children with specific learning disabilities. The plaintiffs, three school districts located in Apache County, Arizona, provide such education to the Indian children living on the vast Navajo Reservation in the northeastern part of the State and receive regular impact aid funds.

As part of the U.S. Commission on Civil Rights' focus on school desegregation in 1976, the Arizona Advisory Committee undertook a review of Tempe Elementary School District No. 3. HEW had begun an investigation of the district in 1971, and in 1973 the school board had adopted its plan. With district and community commitment, the district is desegregated today.

Employment

The first study of problems related to the civil rights of American Indians in the Southwest undertaken by the U.S. Commission on Civil Rights was in 1972. As a part of that study, a public hearing was held in Phoenix, Arizona. The issues raised at the hearings and the Commission's observations were released in its May 1973 study *The Southwest Indian Report*.

Subsequently, the Commission conducted a study of educational and employment opportunities, and medical and health care facilities on the Navajo Reservation in 1973. A report of the Commission's investigation, *The Navajo Nation: An American Colony*, was released in September 1975.

Both reports revealed the serious employment problems of Native Americans in Arizona. The State could not avoid the facts. Consequently, the Arizona Legislature passed a bill (effective August 9, 1974) which strengthened the State civil rights act by adding coverage of the employment law to employers with 15 or more employees. It also placed enforcement power for the act in the State department of law, which is empowered to file suit against respondents of discrimination complaints.

The Arizona Advisory Committee's followup study to the Commission's project on Indian employment, *Indian Employment in Arizona*, was issued in February 1975. This report revealed that very few Indians were being hired in any field and that, even in Federal agencies such as the Bureau of Indian Affairs and the Indian Health Service which are statutorily obligated to give Indians preference, American Indians were concentrated in the lower job levels.

In 1974 the staff of *Wassaja*, an Indian newspaper in San Francisco, conducted its own survey of private employers in Arizona. It found that "the situation had not appreciably altered." Employment of Indians had not increased, and Indians presently working in private industry hold low-paying jobs. Employers attribute the problem to transportation problems and Indian exclusion from labor unions.

Women

Arizona's Women's Commission released a report to the Governor in June 1976 on the employment of women in State agencies. The report noted: women are employed in lower paying jobs; earning disparities exist between male and female school superintendents (men are paid an average of $22,488 per year compared to $11,399 for women); and only 5 percent of Tucson city government employees earning more than $13,416 annually are women.

In 1977 the Union Bank of Tucson agreed to pay nine women $138,400 and to make a number of changes in hiring and promotion practices as the result of a sex discrimination suit. Lawyers for the women, current and former employees of the bank, say the case could set an example for other businesses in Arizona. The bank has agreed to ensure that by 1981 about half the bank's officers will be women and that the "ethnic composition of its work force will reflect Tucson's ethnic composition. The bank also agreed to promote two of the plaintiffs, rehire three, and provide training opportunities for several others.

Unfinished Business

Although some change has been initiated, the problems faced by minorities and women in Arizona require continued monitoring and recommendations for change. Through diligence and commitment to civil rights, constructive change will continue to overcome Arizona's discriminatory practices.

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Arkansas

Arkansas has not undergone the massive urbanization process familiar to many other States. According to 1970 census information, 50 percent of the State's population is rural. The only Standard Metropolitan Statistical Areas (SMSA) located entirely within the State are the Little Rock-North Little Rock SMSA and the Pine Bluff SMSA. The Arkansas Advisory Committee's report, *Blacks in the Arkansas Delta*, noted that many of the rural counties in eastern and southern Arkansas have 50 percent or more black population with enormous economic and social problems.

In 1970 Arkansas had a population of 1,923,295 as compared to 1,786,272 in 1960—a 7.7 percent increase for the 10-year period. A racial breakdown of the State shows 1,565,915 (81.4 percent) white; 352,445 (18 percent) black; and 4,935 (0.25 percent) all other races. The median school years completed for whites was 11.1 while it was 8.0 for blacks. Whites had a median income of $6,828. Median income for blacks was $3,481.

Civil Rights Developments

School Desegregation

The most significant year since *Brown* in 1954 for important court action affecting school desegregation in the South was 1957. In that year, Little Rock, Arkansas, a relatively isolated, small city in the mid-South became a focus of world attention when the Governor of the State called out his troops to prevent black children from entering Central High School while making no attempt to disperse the belligerent segregationist mob which had gathered.

At issue was the constitutional authority of a State against that of the Federal Government. At stake was the safety of a number of black school children threatened by violence. The city of Little Rock was obscure no longer—it had become a symbol of racism which showed that many adults were not hesitant to frighten and threaten school children.

The constitutional issue was resolved on September 24 when President Eisenhower ordered Federal troops to Little Rock to prevent interference with a Federal court mandate ordering admission of black pupils to the previously all-white school. The President's action marked the first time since the Reconstruction period that the Federal Government had used its full powers to compel safe and equal treatment for blacks in the South.

Following the President's decision, the Secretary of Defense had 1,100 members of the 101st Airborne Division flown to Little Rock and ordered into Federal service 10,000 members of the Arkansas National Guard; the latter had been carrying out anti-integration action at the school under the orders of Arkansas Governor Orval E. Faubus. Federal troops were ordered to Little Rock specifically to assure that a court order for desegregation of the high school was carried out.

On the morning of September 25, nine black children, making their third attempt to enter Central High School, were safely escorted through the school's front door by U.S. Army troops as 350 armed paratroopers stood guard.

Accurate accounts and descriptions of those dramatic September days were vividly described by Benjamin Fine of the *New York Times*, one of the reporters who had been assaulted by the angry mob on several occasions:

> Troops from the Army's 101st Airborne Division, carrying carbines and billy clubs, took posts around Central High tonight....
>
> With police sirens wailing and headlights flashing, Army trucks loaded with soldiers roared into position....
>
> With the arrival of federal troops, including some Negro soldiers...Negro students decided to try again to enter the high school....

At year's end, troops still remained in Little Rock to prevent any further attempts to violate court-ordered mandates calling for school desegregation.

Another important court decision dealing with Arkansas school desegregation occurred in 1958 when the U.S. Supreme Court made clear in *Cooper v. Aaron* that State-imposed barriers of racial discrimination were "at war" with the requirements of the Constitution. Segregation as a way of life in this country was doomed by the decision of the U.S. Supreme Court in this case. This decision told the segregationists that the Court would not back down from its 1954 decision that found racial segregation in violation of the Constitution.

The *Cooper* decision could not have come at a more appropriate time. With the Arkansas plan of "massive resistance" lending an aura of respectability to the rebellion against the law of the land, some people may have believed that they might not have to comply with the Supreme Court's decision after all. A number of lower courts had begun attempts to water down and weaken the Court's holding. But after the Court's ruling in *Cooper*, many in the South began to modify their policies.

Public Accommodations

Blacks in Arkansas as well as throughout the South had long been denied the freedom of mobility because of discriminatory tactics used in public accommodations. In its ruling in the *Heart of Atlanta Motel v. United States*, the Supreme Court upheld the constitutionality of Title II of the Civil Rights Act of 1964, a provision barring discrimination in restaurants, hotels, and other places of public accommodation.

However, in Arkansas application of the *Atlanta* decision was slow in developing. Vigorous litigation on behalf of blacks in Arkansas in the mid-sixties helped bring about changes in public accommodations. The U.S. Supreme Court ruled in 1964 in *Hamm v. City of Rock Hill* that the State cannot prosecute for trespassing persons who are peacefully conducting sit-ins under the Civil Rights Act of 1964. This case dealt with the issue of sit-in demonstrations in luncheon facilities of retail stores which did not serve blacks in Arkansas.

Employment

Affirmative commitment to the employment of blacks and women in the private and public sectors has been on the upswing, but there are still many areas of employment closed to them. The city of Little Rock, as an example of public sector employment, has established in its affirmative action plan a firm commitment to a 20 percent minority employment policy for city jobs as they become available. Yet the plan reveals a history of heavily lopsided employment practices, disclosing that:

- Of the 251 jobs held by blacks and nonwhite males, 140 were in jobs categorized as unskilled/maintenance.
- Of the 78 positions categorized as official/administrator, blacks and nonwhites (males and females) occupy only 3.
- Of the 249 black males employed, 73 percent were paid annual salaries of less than $8,000.
- Of the 846 white males, 89 percent received annual salaries of $8,000 and above.
- Of the 163 female workers of all races, 83 percent received annual salaries less than $8,000.
- Only 1 female received an annual salary above $12,999, while 82 males (all races included) received salaries above $12,999.

In the private sector, there have been a number of major employment discrimination cases filed by blacks in Arkansas recently. For example, in 1970 a State court held in *Parham v. Southwestern Bell Telephone Company* that where the work force was almost completely white, an employer's system of recruiting new workers on the basis of recommendations of employees violated the Civil Rights Act.

There is overwhelming evidence that women are not getting an equal share of the economic rewards. Looking only at those who actually worked 50 to 52 weeks in 1970, the median earnings of all men in the experienced labor force were $6,164; for women, the median earnings were 60 percent of that figure ($3,711).

According to the 1973 report of the Governor's Commission on the Status of Women, about 70 percent of women workers earned less than $4,000. Fifty percent earned less than $3,000, and 35 percent earned less than $2,000. At the upper end of the earnings scale, only 17 percent of Arkansas women earned $5,000 or more a year. Only 1 percent of all working women earned more than $10,000 annually.

Political Participation

Minorities and women are clearly underrepresented in the Arkansas political structure. There are one woman and one black man in the 35-member State senate, while there are three black men and two women among the 100 State representatives. There are no minority or women county judges in Arkansas; there are only a handful of women mayors, city council, and city board members.

In the appointive positions, women hold 11 (1.1 percent) of the 1,035 positions on the State's 152 boards and commissions. Blacks on the other hand, hold 26 (2.5 percent) positions. As noted by the Governor's Commission on the Status of Women, those minorities and women who have been appointed serve almost exclusively in traditionally minority and women's areas such as welfare and nursing. Significant steps have been taken primarily through the Office of the Governor to assure minorities and women representation on State boards and commissions.

Overall, there have been some significant changes made in the area of voting to increase black participation in the political process, such as elimination of the poll tax and the grandfather clause. But there is more to be done. Legislative reform, such as single-member districting and changes in attitudes on the part of Arkansas State government are needed if minority representation is to occur. Furthermore, increased political involvement by the black community is required to guarantee minority appointments to a wide range of State boards and commissions.

Housing

In Arkansas many blacks are forced to live in overcrowded and deteriorating housing because they are poor. Presently, the few urban centers that Arkansas has are faced with a mounting crisis in the shortage of low-income housing, most of which is substandard. Furthermore, the supply of low-cost housing is unable to match the increasing demand by the poor and blacks in the cities. As the present housing situation becomes more acute, the unavailability of good low-income housing will become an increasingly important civil rights issue.

Unfinished Business

Progress in civil rights in Arkansas over the past 20 years began with an eruption at Central High School. Now there is relative calm. Although the blatant discriminatory actions and policies of the late 1950s and early 1960s have become more subtle, particularly in employment and housing, blacks are still oppressed. Rising to the challenge are many new political groups who are bringing to the forefront the problems of blacks in the State and offering solutions.

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California

California, the Nation's most populous State, has a land area of 156,361 square miles and its population of 20,411,000 is one of the most diversified. Recent estimates include: 1,857,267 Mexican Americans; 1,398,498 blacks; 213,277 Japanese Americans; 170,000 Chinese Americans; 135,000 Pilipino Americans; 88,000 American Indians; 80,000 Vietnamese; 65,864 Central and South Americans; 62,857 Portuguese; 50,000 Samoans; 50,000 Puerto Ricans; 30,000 Guamanians; 16,561 Koreans; 15,323 Caribbean Islanders; 14,454 Hawaiians; and 13,410 East Indians.

California's history has included much oppression of minorities and poor whites. Around the turn of the century various Federal and State exclusionary laws were enacted which discouraged or completely excluded immigrants from entering the country and the State. During the 1930s migrants from Dust Bowl areas, in particular Oklahoma, were repeatedly denied entrance at the State's border by law enforcement officials. In the 1940s the "zoot suit" riots involving Mexican Americans and armed forces personnel in Los Angeles were an outward manifestation of the ethnic and racial tensions that simmered in the State.

On February 19, 1942, reacting to the Japanese attack on Pearl Harbor, President Franklin D. Roosevelt signed Executive Order 9066, which established 10 relocation centers for the incarceration of citizens of Japanese descent, the majority of whom were Californians. Many Japanese Americans have termed these centers "concentration camps" and assert that the trauma of this experience reinforced Japanese American isolation and silence about discrimination throughout the 1950s and 1960s. The Executive order was rescinded by President Gerald Ford in February 1976.

High unemployment and poor socioeconomic conditions for blacks contributed to the Watts riots of 1965 in Los Angeles. Although reaction to the riots generated Federal funds and city programs, conditions for many blacks living in south-central Los Angeles have not significantly improved.

In March 1968 thousands of students staged walkouts in five predominantly Mexican American schools in East Los Angeles to protest their treatment and to press their demands for changes in curriculum. As students and other minority representatives questioned their exclusion from California's history and demonstrated their resentment of discriminatory practices, some changes resulted.

Civil Rights Developments

Education

The California Advisory Committee has maintained a long-standing concern for equality of educational opportunity. Advisory Committee studies have highlighted inequities in the treatment of minority students in the State's schools in both urban and rural areas. In June 1967 the Advisory Committee conducted an informal hearing on employment and educational problems in the Mexican American barrios of Los Angeles.

The Advisory Committee heard many allegations that teachers lacked understanding of Mexican American students, that programs were irrelevant and counseling inadequate, that Mexican American and other minority students were overrepresented in special education classes, and that communication between parents and schools was poor or nonexistent.

Subsequently, the California Advisory Committee recommended that the U.S. Department of Health, Education, and Welfare through its Office of Education monitor federally-funded programs to ensure improved services to target populations and involvement of community representatives in decisions affecting the programs. The Advisory Committee also recommended that the State department of education reevaluate testing and placement procedures for special education students.

In 1970 the Western Regional Office of the U.S. Commission on Civil Rights in conjunction with

the California Advisory Committee investigated the placement of minority students in classes for the educable mentally retarded (EMR) in the San Diego Unified School District. This investigation found that Mexican American and black students were overrepresented in EMR classes in proportion to their percentages in the total school population. This finding resulted in a class action lawsuit, *Covarrubias v. San Diego Unified School District*, in which the court found that testing procedures contributed to disproportionate numbers of minority students in EMR classes.

In 1972 the Advisory Committee conducted two studies in rural areas—the Lucia Mar Unified School District in southwestern San Luis Obispo County and the Guadalupe Union School District in northwestern Santa Barbara County. Findings and recommendations were published in two reports: *The Schools of Guadalupe...A Legacy of Educational Oppression* (1973) and *Educational Neglect of Mexican American Students in Lucia Mar Unified School District* (1973).

The Advisory Committee found that although certain steps had been taken to integrate Mexican American students into educational programs of the Lucia Mar School District, they remained victims of educational neglect. The Advisory Committee recommended that the district intensify its effort to make the programs more relevant for the bilingual-bicultural student.

In Guadalupe the Advisory Committee heard allegations from the Mexican community that: the schools provided a poor quality of education, the district had failed to hire bilingual-bicultural professional staff, there was excessive corporal punishment of Mexican American students, the district did not involve Mexican American parents in the school, and district personnel harassed individuals who complained about the school system.

The Advisory Committee found that students in the district's classes for educable mentally retarded students were all Mexican American. The district's student population was 76 percent Mexican American, yet only one Mexican American teacher was on its full-time teaching staff.

As a direct result of the Advisory Committee's study, improvements have been made in the educational offerings of these two districts. Unfortunately, there are many rural districts in California with potentially the same problems.

In April 1975 the Advisory Committee also conducted an investigation of the Salinas Union High School District in which a major issue was the district's bilingual-bicultural educational program.

In addition to these activities, Commission staff and California Advisory Committee members since 1973 have investigated complaints of unequal educational opportunities for language-minority students in Anaheim, Los Angeles, Madera, San Diego, San Francisco, Santa Ana, and Santa Maria. The Advisory Committee has continued to receive complaints concerning unequal opportunities for language-minority students from other communities in the State. A number of these complaints allege inadequate monitoring by the State department of education and the Office for Civil Rights of the U.S. Department of Health, Education, and Welfare. In 1975 the Advisory Committee studied the effectiveness of these two agencies in ensuring statewide compliance with State and Federal laws and regulations.

One finding of this study was that the State department of education has failed to ensure that California's students who do not speak English or have limited proficiency receive an adequate education. A second finding was that State-funded programs for the educable mentally retarded are neither monitored nor evaluated by the State department of education consistent with State laws and guidelines.

The first report from this study, *State Administration of Bilingual Education—Si o No?* was released in June 1976. The report was utilized by Barrio Bilingual Communications to produce an audiovisual instructional unit entitled "Los Angeles, A Multi-Ethnic City."

State Assemblyman Peter Chacon (D–San Diego) used the Advisory Committee's findings to draft legislation on bilingual-bicultural education. Members of the Advisory Committee testified before the assembly's education subcommittee during its deliberations on the Chacon bill, and the Governor requested copies of the report prior to signing the Chacon legislation into law.

The State department of education used the Advisory Committee's recommendations to change the administration of bilingual education programs. The California Teachers Association used the bilingual report in workshops during its annual conference to develop a position on bilingual edu-

cation and to assist its membership in implementing bilingual programs in local school districts.

The second report from this study, *Evaluation of Educable Mentally Retarded Programs in California*, was released in July 1977. Although the State has tried to improve its evaluations of local programs, problems remain.

While the California Advisory Committee was moving on educational issues, so were the California courts. A number of California cases have focused on school desegregation. In 1970 the Los Angeles Board of Education was ordered to desegregate its school district. The school board chose to appeal that part of the case which dealt with the mechanics of integration, and the State supreme court ordered a stay of integration. The legal process moved slowly; in 1977 the Commission issued a report on school desegregation in Los Angeles, *A Generation Deprived: Los Angeles School Desegregation*. The schools are still segregated.

In January 1970 Federal District Judge Manuel Real ordered the Pasadena schools to desegregate. Unlike the Los Angeles Board of Education, the Pasadena board voted not to appeal the district court decision and directed its staff to prepare a plan that would desegregate the schools. In 1973 a majority of antibusing candidates were elected; they immediately voted to ask the Federal court to withdraw its integration order. Oral arguments were heard in 1974 and the order remained in effect. Additional oral arguments were heard in July 1977.

The San Diego Unified School District is now under a court order to desegregate its schools. The court identified 23 schools with over 75 percent minority student population as segregated and urged the district to consider every available means for stabilizing those schools between 50 and 75 percent minority. The court further suggested that a mandatory transfer plan is undesirable, although it did not eliminate limited mandatory assignments.

California cases have also had national implications for such issues as school financing, bilingual education, special admissions, and programs for the educable mentally retarded.

In January 1974 the United States Supreme Court issued its decision in *Lau v. Nichols*, which relates to the language-minority students in the San Francisco school district. The Court ruled that if a language deficiency excludes language-minority children from effective participation in educational programs, the district must take affirmative steps to open its programs to all students. The Court stated further that all districts not complying with Department of Health, Education, and Welfare guidelines for language-minority students will be in violation of Title VI of the Civil Rights Act and subject to loss of Federal funds.

On December 30, 1976, the Supreme Court of California in *Serrano v. Priest* found California's school finance system unconstitutional. In 1971 the court had ruled in the *Serrano* case that it would find the California school finance system unconstitutional if plaintiffs could prove their allegations that wealthier school districts provided better educational opportunities than poorer districts. After the 1971 decision the case returned to a lower State court for trial. After a lengthy trial, the lower court found in 1974 that inequities did exist between wealthy and poor districts. Wealthy school districts appealed the trial court's ruling, resulting in the high court's affirmation of the lower court's finding of inequalities.

The ruling was intended to allow for continuing efforts in California toward equal educational opportunities. However, recent data suggest that *Serrano* could have adverse effects on poor school children. John Mockler, a consultant to the California State Assembly Ways and Means Committee, analyzed some districts and estimated that 51.6 percent of children from poverty families, including 70 percent of all black children and 51 percent of all Mexican American children in California, live in school districts which receive local funds higher than the State average. Data on the Los Angeles School District, with 15 percent of the State's public school enrollment and many low-income pupils, have yet to be analyzed. The completion of this analysis will show whether the *Serrano* decision will have positive or adverse effects on poor children seeking equal educational opportunity.

Administration of Justice

The Advisory Committee conducted informal hearings in Los Angeles in September 1962 and in San Francisco-Oakland in January 1963 to determine whether blacks were victims of unequal

treatment by law enforcement agencies. These meetings resulted in a report published by the Commission in August 1963 which concluded that "police-minority group relations in the Bay Area appear to be much more healthy and open than in the city of Los Angeles." The report included several recommendations to Federal and local law enforcement agencies. Some recommendations were adopted while others—including one that local and State agencies create independent agencies to investigate citizen complaints of police practices—continue to be rejected by law enforcement officials.

In January 1966 the Advisory Committee issued an analysis of the McCone Commission report of the Watts riot and found the report "a bitter disappointment." The Committee chairman, the late Dr. James A. Pike, commented:

> We find running through the McCone Commission Report a marked and surprising lack of understanding of the civil rights movement and a tendency to criticize those who ask for a redress of grievances rather than those who deprive citizens of their constitutional rights....

In May 1966 the Advisory Committee held a 2-day hearing in Oakland to study that city's civil rights problems.

Although police-community relations was not a focus of the Advisory Committee's June 1967 hearing in East Los Angeles on education and employment, statements were made that police harassment caused young Mexican Americans to lose jobs or be expelled from school.

In August 1968 the California Advisory Committee conducted closed hearings in Los Angeles (coordinated with other State Advisory Committee meetings and Commission hearings throughout the Southwest) to gather information for the Commission's report, *Mexican Americans and the Administration of Justice in the Southwest* (March 1970). This report painted a bleak picture of the relationship between Mexican Americans in the Southwest and the agencies which administer justice in those States.

Increasing friction between law enforcement officers and the Mexican American community led to a tragic confrontation between Los Angeles County sheriff's deputies and the Mexican American community during the Chicano Moratorium March in August 1970. Protesting United States involvement in the Southeast Asian war, between 15,000 and 20,000 persons, mostly Mexican Americans, participated in the march and rally. By mid-afternoon, county law enforcement officers declared the situation "critical" and moved to disperse the crowd. Later, community members charged that the officers had overreacted. A dozen fires burned out of control, 3 fatalities occurred, 40 officers were injured, and 25 radio cars were damaged; about 500 policemen and sheriff's deputies were involved. The Advisory Committee documented the events of the riots, but its recommendations to alleviate the problems have gone largely unheeded by law enforcement agencies.

Complaints received by the Advisory Committee since 1970 indicate deep concern in several minority communities about the administration of justice.

Voting Rights and Political Participation

Despite their growing numbers, Mexican Americans in California have been conspicuously absent from both elected and appointed government positions. Before the State's second Mexican American assemblyman was elected in November 1970, there were only two Mexican Americans among 160 elected representatives in the State senate, State assembly, and the U.S. Senate and House of Representatives.

In January 1971 the Advisory Committee conducted an informal hearing on the subject of political participation of Mexican Americans. The Committee found that many methods, such as gerrymandering, used to exclude Mexican Americans from political participation in California were similar to those used to exclude blacks from political participation in the South. In 1970, of 15,650 elected and appointed officials at municipal, county, State, and Federal levels in California, only 310 or 1.98 percent were Mexican American. The East Los Angeles community, with a Mexican American population of 600,000 persons, was gerrymandered into nine State assembly districts, seven State senate districts, and six U.S. congressional districts. The districts were divided in such a way that none had a voter registration more than 35 percent Mexican American. The Committee found that districts elsewhere in the State practiced similar exclusion.

Following enactment of the 1975 Voting Rights Act, the Advisory Committee conducted a project to educate the secretary of State, county registrars of voters, and community agencies on the implications of the act for language minorities. The Advisory Committee cosponsored conferences in northern and southern California on the bilingual component of the 1975 Voting Rights Act. The 300 participants in the two conferences included county registrars, staff of the secretary of State, and community organizations interested in the bilingual component of the act.

Asian and Pacific Americans

In 1973 the California Advisory Committee held informal hearings in San Francisco and Los Angeles to collect information on the concerns of Asian and Pacific Americans. In San Francisco, five communities participated—Chinese, Japanese, Korean, Pilipino, and Samoan. In Los Angeles, the Guamanian community was added to the original five groups.

Two reports on the Advisory Committee's study were released in 1975—*Asian Americans and Pacific Peoples: A Case of Mistaken Identity*, and *A Dream Unfulfilled: Korean and Pilipino Health Professionals in California.*

The Advisory Committee found that the problems of various Asian and Pacific American communities differ, but these groups should not be viewed as model minorities who have been assimilated into American society and attained the American dream. Community spokespersons alleged that they suffer from much of the economic and social exclusion experienced by other minority Americans in areas such as employment, housing, and education.

Following a review of the Advisory Committee's first report, Secretary Mario Obledo of the California Health and Welfare Agency created the position of Asian American liaison officer, which was filled in August 1975.

On March 12, 1976, the United States Bureau of the Census convened an advisory committee of 20 Asian Americans and Pacific Islanders in Washington, D.C. In his letter of invitation, Vincent P. Barabba, Director, Bureau of the Census, wrote:

> One of our prime goals is to maximize the accuracy and usefulness of the statistics relating to minority populations such as Asian American and Pacific Peoples....We believe that the attainment of the goal could be greatly assisted by developing a continuing channel of communication between the Census Bureau and the Asian American and Pacific Peoples population, which could help in the design of methods for improving the completeness of population coverage, expanding the dissemination of census results, etc.

After the release of the second report, State Assemblywoman Leona Egeland (D–San Jose) introduced a bill to permit foreign-educated medical doctors to participate in student-aid programs in the California university and college system. In November 1975, Western Regional Office staff and Advisory Committee members testified before the assembly subcommittee considering such legislation. The Egeland bill eventually became law.

Acting on a recommendation in this report, Department of Consumer Affairs Director Tak Takei requested that his staff review licensing requirements for foreign-educated medical doctors, pharmacists, and nurses. In August 1975 the department released its findings in a report entitled *The Fair Employment Implications of Licensing and Certification Standards in the State of California.*

In the spring of 1975 Vietnamese and Cambodian refugees were processed for relocation in the United States. The Advisory Committee and Commission staff monitored this process through field trips to a major refugee center at Camp Pendleton. According to the U.S. Immigration and Naturalization Service, 20,000 Southeast Asian refugees have settled in California, although community spokespersons estimate that the figure is more than triple the official count.

Unfinished Business

Since the release of the Advisory Committee report, *Political Participation of Mexican Americans in California* (August 1971), five Mexican Americans have been elected to the State assembly and two have been elected to the State senate. The appointment of Mexican Americans to State boards, commissions, and committees has increased. Though greatly improved, political participation is still not equitable. Los Angeles, with a population of over one million Mexican Americans, has no Mexican American city councilperson or county supervisor.

The California Master Plan for Special Education was intended to alleviate inequities in special education. However, the Advisory Committee found that the master plan has no enforcement mechanisms. The Advisory Committee contended that without enforcement by State government, educable mentally retarded programs will continue to misplace and mislabel minority children. The report's recommendations are currently being considered by public and private bodies.

In *Bakke v. Regents of the University of California*, the California Supreme Court ruled on September 16, 1976, that special admissions programs for minorities were unconstitutional. Popularized as the *Bakke Decision*, the case will be decided by the United States Supreme Court and will have national implications for equal access to higher education and affirmative action hiring programs. The case raises major questions concerning the use of racial goals and preferential treatment as tools for improving the opportunities for minorities.

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Colorado

Based on the 1970 census, of a total State population of 2,207,259, Hispanics in Colorado comprise 286,467 (13 percent). Blacks are 66,274, Asian Americans 10,388, and American Indians 8,836. The total minority population is 371,965 (26.8 percent).

Civil Rights Developments

Until recently Colorado's black population has been the most vocal minority on civil rights issues. But in the last few years, much more has been heard from Hispanics concerning discriminatory treatment of the Spanish-speaking segment of the population. Racial steering in housing, segregation in schools, inadequate facilities for migrant workers, and the plight of undocumented workers are among many emerging issues being brought to public attention. Since Denver has a large population of American Indians, attention is being called to their economic and social difficulties. Other issues are the gross census undercount of Hispanics and their lack of representation at national governmental levels.

Concentration of the poor and disadvantaged has been supported by the Federal Government in its funding of $22 million for urban public housing in Denver. Attention should be paid to the needs of disadvantaged families who wish to live in the suburbs.

Education

In the 1973 landmark case, *Keyes v. School District No. 1, Denver, Colorado*, the decision of the United States Supreme Court resulted in a court order directing the the Denver school board to integrate the whole system and to initiate bilingual-bicultural programs for its Hispanic school population.

In February 1976, the U.S. Commission on Civil Rights held a hearing in Denver to analyze the results of the Supreme Court's decision. The Commissioners found that after initial incidents of violence, school desegregation has proceeded peacefully in Denver and that progress has been made in providing equal educational opportunity for minority students. Still, the Commission found, much remained to be done to increase the numbers of minority and female teachers and administrators and to reduce the large number of minority students who either drop out of school or are suspended from classes.

According to Denver newspapers, one negative result of the court-ordered school desegregation program has been increased "white flight" from the city to the suburbs, although higher quality of life, lack of traffic and pollution problems, and more reasonable housing are also responsible. The *Denver Post* in December 1974, for example, reported a loss of 7,200 students (most of them white) from city schools that year. In addition, news articles emphasized that more homes in Denver were put up for sale when school desegregation began in earnest in the fall of 1974. By 1977, young couples began moving back into Denver in increasing numbers, but school enrollment continues to decline due to the factors mentioned above as well as to a declining birthrate.

As a result of the court order, the Community Education Council (CEC) was created to serve as a liaison between the Denver school system and the community and to monitor the school district's desegregation plan. The staff of the Commission's Rocky Mountain Regional Office assists CEC volunteer members who meet monthly to analyze compliance with the court order. Unfortunately, the CEC has concluded each year that desegregation in the city still faces many problems.

The situation in Denver, however, is far from bleak. The voters elected a pro-desegregation school board in 1975 and increased that majority in the 1977 election. A new school superintendent has been appointed who appears to be more sympathetic to desegregation than was his predecessor.

On the State level, the Colorado Legislature passed a mandatory bilingual-bicultural education bill in 1975. Although the law was altered somewhat this year, it remains one of the strongest

in the Nation. Segregation of Chicano children in some school districts in Colorado remains a serious problem.

Colorado Springs School District 11 is the only other district in the State with a school desegregation plan that includes busing. Earlier this year, the Rocky Mountain Regional Office in conjunction with the State Advisory Committee published a monograph on the successful efforts of Colorado Springs to desegregate its schools.

Employment

In 1975 the Colorado Advisory Committee conducted a 1-day informal hearing on access to the medical and legal professions in the State by minorities and women. Two reports were released in summer 1976 as a result of this project. Extensive followup activities are continuing with officials from the University of Colorado; the Office for Civil Rights of the Department of Health, Education, and Welfare (Region VIII); the Colorado Supreme Court; the American Bar Association; and others.

Partially as a result of the Advisory Committee study, the University of Colorado is under increased pressure to improve its policies and programs for recruiting and employing women and minorities on its faculty and staff. Advisory Committee member Rachel Noel, who headed a university task force which was critical of law school hiring practices, has since been appointed a regent of the University.

During the 1977 legislative session, the Colorado General Assembly passed a statute calling for $30 million to be spent on education of the handicapped. This action follows legislation by the General Assembly in 1975 to ensure that the physically handicapped have equal access to employment opportunities, public institutions, and accommodations in the State. That same year, Governor Lamm issued an executive order calling for affirmative action to promote the employment of physically and mentally handicapped persons by State government and contractors.

The Office of Federal Contract Compliance Programs of the Department of Labor has approved a Colorado statewide affirmative action plan. The program proposes to place 500 minority workers and 50 women in apprentice trades in the State within the year.

The Colorado Personnel Board has defied an attempt by the State legislature to limit the affirmative action plan the board adopted in 1976. The General Assembly enacted a statute which attempted to limit the life of the State personnel program to 1980 and to narrow its scope. The board voted to continue its adopted program claiming that its powers derive from the Colorado constitution and not from the State legislature.

Equal Rights Amendment

In 1975 the Colorado Legislature created an interim committee to study the State's attempt to repeal its ratification of the proposed Equal Rights Amendment and State ERA. After hearing several months of testimony from interested persons, including members of the Colorado Advisory Committee, the interim committee voted to leave the decisions to the people. In 1976 opponents of the ERA succeeded in getting a proposal on the November ballot that would have repealed the State ERA, but Colorado voters rejected the measure by a two-to-one margin. Supporters of ERA throughout the Nation considered the action by the Colorado voters as an indispensable asset in securing the last three States needed for ratification of the amendment.

Domestic Violence

In 1976 the Colorado Advisory Committee with the assistance of the Commission on Community Relations of the City and County of Denver initiated a project to investigate domestic violence in Denver. The report, which was released this summer, found that assaults against women in their homes is prevalent in Denver and that women have few recourses for physical protection and assistance. The report recommended the creation of special teams by the city's social service department to work with the police department and city and district attorneys.

In conjunction with the report, the Advisory Committee produced a film, "A Woman, a Spaniel, and a Walnut Tree," which examines the crime of battering women. The film is available for loan through the Commission's Public Information Office and has been shown at the International Women's Decade (IWD) meetings in Colorado and Washington State.

Colorado held its IWD meeting in Boulder on June 3–5, 1977. The conference's 3,000 delegates assessed the status of women in the State and ratified a plan of action. The Director of the Rocky Mountain Regional Office was one of the keynote speakers at the conference, which elected delegates to represent the State at the National Women's Conference in Houston, Texas, in November 1977.

Administration of Justice

In 1974 the Colorado Advisory Committee released a report on the correctional facilities in the State. The Committee found that discrimination against minority and women inmates manifested itself in the absence of meaningful and practicable training, inadequate visiting hours, inadequate psychiatric care, prolonged use of tranquilizing medication, and overcrowding. Rocky Mountain Regional Office staff met with officials of the Colorado Department of Institutions and the Federal Youth Center to review the findings and recommendations and to offer assistance in their implementation.

Regional Office staff also testified before the Joint Committee on Criminal Justice of the Colorado Legislature to discuss the recommendations of the report, particularly those relating to community-based corrections and inmate vocational education programs. In 1977 the Colorado General Assembly, at the urging of the Governor and others interested in prison reform, created a State department of corrections and appropriated funds to build and plan new correctional facilities.

Unfinished Business

The Colorado Advisory Committee will soon examine the treatment children receive when they enter the criminal justice system in the State. Many juvenile offenders are placed in correctional institutions for crimes for which adults would not be jailed. Investigation of the civil, criminal, and parental-related rights and responsibilities and how they affect children will be the focus of the study.

Migrant children in Colorado, the majority of whom are Hispanics, receive on the average only a fifth-grade education and suffer from blighted environmental, social, and economic conditions. The Rocky Mountain Regional Office staff is studying the needs of migrant children and will conclude its investigation during fiscal year 1978.

Experienced school officials must support desegregation efforts by assisting school districts to implement programs to remove ethnic and racial isolation. In addition, work needs to be done to develop curricular techniques and materials, to organize intergroup and intercultural programs to reduce group tensions, and to collect and analyze data on education programs for persons of diverse ethnic and racial backgrounds. The effects of intercultural human relation programs also need to be evaluated.

Discrimination in mortgage lending and in housing opportunities remains a problem in Colorado. Federal, State, and local agencies have not displayed leadership to ensure nondiscriminatory practices.

Real estate firms are alleged to continue to practice racial steering. Discrimination against single women and male and female homosexuals continues through zoning laws that effectively prevent these groups from securing housing. These issues, along with the need for low-cost surburban housing to reduce racial isolation in Denver, are items to be investigated by those concerned about civil rights.

Although Colorado has a statewide plan of action to meet the needs of minorities and women in the construction industry and affiliated trades, more work should be done to encourage women and minorities to move into nontraditional apprentice trades. The employment of minorities and women in State and local governmental agencies and on the faculties of State educational institutions continues to be a major concern of civil and human rights advocates.

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Connecticut

According to the 1970 census, Connecticut's population numbered 3,031,217 people of whom 1,561,222 or 51.5 percent were women. Blacks, the largest minority group, were 181,177 or 6 percent of the population. There were 73,357 Hispanics, 2.4 percent of the total; 6,810 Asian Americans, 0.2 percent; 2,222 American Indians; and 6,042 members of other minority groups.

Indian leaders estimate that there are approximately 5,000 Indians in the State. Almost one-half are members of Connecticut tribes—the Schagticokes, Paugussetts or Golden Hill Tribe, Paucatuck Eastern Pequots, Mashantucket Western Pequots, and Mohegans, and the remainder are Indians who have moved to Connecticut from Maine and eastern Canada. The first four tribes each have a reservation the largest of which is 400 acres in Kent county belonging to the Schagticoke Indians, and the smallest is approximately one-third of an acre in Trumbull, near Bridgeport, which belongs to the Golden Hill Tribe.

Minority groups are concentrated in the larger urban areas. In 1970 Hartford, the State capital, had a population of 158,017 persons; 44,091 (or 27.9 percent) were black and 11,942(or 7.6 percent) were Hispanic. Bridgeport had the largest concentration of Hispanics; of 156,542 residents, 14,103 (or 9 percent) were Hispanic, and 25,546 (or 16 percent) were black. New Haven had a population of 137,707, of whom 36,158 (or 26 percent) were black and 4,916 (or 3 percent) were Hispanic.

In 1970 women were 39 percent of Connecticut's labor force, while blacks were 5.5 percent and Hispanics were 2 percent. In 1977 the unemployment rate in Connecticut was 7.8 percent. There were 127,300 unemployed persons of whom approximately 51.8 percent were women, 25.9 percent were blacks, and 8 percent were Hispanics.

A study by the Connecticut Permanent Commission on the Status of Women has found that the wage gap between men and women is increasing rather than decreasing and that most women are in low-paying jobs. In 1954 women earned 65 percent of the salaries paid to men while 20 years later, in 1974, women earned only 57 percent of male salaries. In 1970, 35 percent of the women workers in the State were in lower salaried clerical positions compared to 7 percent of the men. A total of 3 percent of women workers were in higher paying management and administrative positions compared to 12 percent of the men.

Civil Rights Developments

Connecticut elected the first woman Governor who had not been voted in after her husband had held political office. The State is widely regarded as relatively progressive on civil rights issues.

Enforcement

The Connecticut Commission on Human Rights and Opportunities, the primary civil rights enforcement agency in the State, is charged with the responsibility of enforcing Connecticut's antidiscrimination laws in employment, public accommodations, housing, credit transactions, and legal and constitutional rights. The agency consists of 12 commissioners appointed by the Governor, a director appointed by the commissioners, and a staff selected by the director under the State merit system.

In October 1976 the commission's jurisdiction was expanded to include the blind and physically disabled. In 1976 a bill was signed prohibiting credit discrimination based on race, color, national origin, and ancestry. In 1973 an act was passed which prohibited discrimination on the basis of sex and marital status in credit transactions and empowered the commission to process and initiate complaints.

The Permanent Commission on the Status of Women was established in 1973 to serve in an advisory capacity to the State government on issues related to women. It conducts research and works to promote educational activities throughout the State. It also serves as a public information

clearinghouse on women's organizations, employment and counseling services, rape crisis centers, services for abused women, and other women's services.

Among its major areas of concentration are discrimination in employment and education. Because of the increasing wage gap between men and women, the commission is presently introducing or supporting legislation to improve the economic status of women. These measures in the 1977 session of the legislature include: (1)coverage for domestic workers under State minimum wage laws; (2) a bill which would allow prosecution for sexual assaults between married persons or those holding themselves to be married; (3) a bill to increase the fair minimum wage in Connecticut to $3 an hour; and (4) the creation of an upward mobility program for State employees concentrated in low-paying positions, especially those filled by women.

Although the State department of environmental affairs has jurisdiction over tribal lands, the Connecticut Indian Affairs Council advises the department on its responsibilities. The council was established in 1973 to protect "the special rights and privileges" of Indians in the State, survey and establish tribal boundaries, further the "general health, safety, and well-being of Indians," and promote "better understanding and awareness of the Indian community within the general population of the State." Indian leaders have criticized the State for underfunding the council and leaving its budget to the discretion of the department of environmental affairs rather than making it a line budget item. The Paugussett Tribe has alleged harassment and intimidation by Trumbull residents. The State department of environmental protection, the Community Relations Service of the U.S. Department of Justice, and the U.S. Commission on Civil Rights have shown an interest in this issue.

The Connecticut Legislature has passed significant legislation in the last 5 years affecting civil rights. In 1975 the legislature prohibited discrimination in employment on the basis of marital status. In 1974 a bill was passed which added a prohibition based on sex to nondiscrimination clauses in State contracts. This legislation also ordered contractors to provide the commission with information regarding its employment and hiring procedures. In 1974 Connecticut also passed a State constitutional amendment recognizing the legal equality of women. The Federal ERA also was ratified in 1974.

A law was passed in the 1977 legislative session making bilingual education mandatory for school districts in which there is a school with 20 or more students whose dominant language is not English. Regulations are being written to help districts implement this law. Previously, bilingual programs were optional. There are now 12 districts with bilingual programs, including one school in Hartford which is totally bilingual. The districts must begin with inservice training for teachers in languages and subsequently give preference to hiring teachers with bilingual skills. The mandate becomes effective in September 1978.

One of the major concerns of Hispanics is the need for more bilingual persons in social services agencies. Similarly, there are complaints that there are not enough bilingual police officers, especially at night. The department of social services has been ordered by the Federal court to hire bilingual welfare workers.

The State of Connecticut's Affirmative Action Program became law in 1975. Prior to this legislation, a general affirmative action plan encompassing all State agencies was used. Under the new program each State agency is required to develop its own plan and develop its own goals and timetables based on the availability of minorities and women in the labor force. The plans are based on 1970 census statistics. The Commission on Human Rights and Opportunities is responsible for approving and monitoring the plans. The affirmative action office in the State personnel department has issued guidelines for State agencies in writing their plans.

Employment

The Center for Advocacy, Research, and Planning (CARP), a nonprofit legal organization, filed a complaint with EEOC on behalf of black police officers in New Haven, alleging discrimination in hiring and promotions, and a ruling of probable cause was made in March 1976. The U.S. Department of Justice is currently determining whether or not it will bring suit. The New Haven Fire Department is under court order to hire more minorities. Minority police officers won

a suit against the police department in the city of Bridgeport in 1974.

In 1975 the Connecticut Advisory Committee held an informal hearing in New Haven to review the process of hiring city employees and the city's affirmative action plan. Shortly after this hearing, the mayor appointed an affirmative action committee to implement a new plan, subsequently lauded by community representatives as a substantial improvement over the previous one.

With regard to private employment, the State Commission on Human Rights and Opportunities has an outstanding complaint against the Southern New England Telephone Company, which claims it is under the AT&T consent decree. This has been pending for several years. The commission also filed a class action suit, not yet resolved, against more than 30 construction contractors and unions in the State. The State Commission on Human Rights and Opportunities requires all contractors with State government for jobs over $50,000 to submit an affirmative action plan to the State commission and to the U.S. Department of Labor.

There are no hometown plans for the construction industry in Connecticut. Contractors with the city of New Haven have been subject to other Federal requirements known as bid conditions since 1971. For nonexempt Federal and federally-assisted construction contracts, part II bid conditions have recently been extended indefinitely. For trades whose goals are not specified, contracts must establish minority utilization goals between 20 and 25 percent of their total work force. The city of New Haven also has an affirmative action ordinance to promote affirmative action in the construction trades.

Education

In 1976 the Advisory Committee held an informal hearing to review school desegregation in Stamford. Although there had been no major problems in desegregating the public schools, there were very few minority teachers in the Stamford public school system. After this finding was made public, the Stamford Board of Education adopted an affirmative action plan which substantially increased the number of minority teachers.

Another development that will have great impact on education in Connecticut is the recent Connecticut Supreme Court decision which prohibits the use of property taxes for funding education. Connecticut must now raise money for education by some means other than the property tax. To date, no cities have yet come up with new education funding programs.

Housing

In April 1975 CARP, the NAACP, and Education Instruction filed suit against William T. Beazley Realty Co. for racial steering in New Haven. The plaintiffs also filed charges with the State commission on human rights and opportunities. Beazley Realty Company signed a conciliation agreement with the State commission and agreed to keep a separate file on each agent with complete information on all transactions. The company also agreed to maintain its records for 5 years. Soon afterward, Beazley hired its first black realtor.

The city of Hartford in 1975 initiated a suit against the U.S. Department of Housing and Urban Development, which challenged the granting of $4.4 million to seven Hartford suburbs because the towns' housing assistance plans did not conform with requirements of the Housing and Community Development Act. (The act requires a town to estimate low-income housing needs, including the number of minority and female-headed households who may wish to reside in the community). The director of the State commission was called as an expert witness to provide statistical evidence about employment and housing in the seven towns. Subsequently, the Federal court issued a ruling blocking the funds. As a direct result of this suit, the suburban towns have begun to investigate the need for a regional solution to housing problems.

Revenue Sharing

In 1974 the Connecticut Advisory Committee held a 1-day citizens conference on revenue sharing in New Haven. The purpose of the conference was to educate the general public concerning revenue sharing rules and regulations so that citizens' groups could monitor and influence the expenditures of their towns and the State. In 1974 four towns in Connecticut were cited by the Federal Office of Revenue Sharing for noncompliance with civil rights requirements in housing, minority employment, and delivery of services.

The State commission on human rights and opportunities investigated deferred complaints against municipalities from the Office of Revenue Sharing and recommended that 17 additional towns be found in noncompliance.

Credit

In the past 5 years progress has been made in the area of discrimination in credit transactions. In 1973 sex discrimination was prohibited. In 1974 the Commission on Human Rights and Opportunities was empowered to subpena records and other documents from financial institutions as part of its investigation process. In 1975 discrimination on the basis of age—over 18—was prohibited, and in 1976 race, creed, color, national origin, ancestry, and physical disability were added to the legislation. A separate law passed in 1976 permits complaints to be filed with the court of common pleas rather than the human rights commission. In this instance, the creditor would be liable for punitive as well as actual damages.

Battered Women

An emerging issue in the State is that of battered women. The Connecticut Task Force on Battered Women, a coalition of women's organizations and individuals concerned about this issue, was organized in 1976. The task force set up a "hot line" for battered women and distributed questionnaires to hospitals, police, and any other social or legal agencies battered women might contact. The coalition subsequently issued a report in the spring of 1976 that highlighted many of the problems of battered women. As a result of the lobbying efforts of the task force and other women's groups, the State enacted two bills pertaining to battered women during the 1976–77 legislative year. One bill makes it possible for a battered wife to obtain a temporary restraining order for protection from her husband without initiating a divorce proceeding. Another bill allocates $75,000 to the State department of social services for a pilot program for shelters for battered women.

The Connecticut Advisory Committee is currently planning an open hearing in September concerning social and legal services available to battered women. The Committee is inviting police officers, judges, prosecutors, community relations officers, battered women, emergency room personnel, and others to participate in its 2-day hearing.

Unfinished Business

Though important beginnings have been made, there is much to be done. The upgrading of minorities and women in public employment and local government—especially in police and fire departments—is urgent. In private employment, the need to translate affirmative action plans to an actual increase in the numbers of minorities and women on the job—particularly in higher level and nontraditional positions—is a priority.

The concentration of minorities in the major urban areas of the State underscores the need to open suburban housing to all. Effective action by Federal, State, and local governments, as well as private groups is needed in this most difficult area. It is necessary to continue monitoring transactions of major financial institutions to assure nondiscrimination in the granting of home mortgages and other forms of credit.

There is an increasing need for bilingual social services, particularly in education and welfare. The achievement of quality desegregated public education, particularly in the State's larger cities, is a goal which requires more attention by public officials and parents.

There is a wide range of issues of concern to women, including correction of the wage differential for men and women and the movement of women out of the traditional low-paying occupations; rape prevention and crisis programs; reform of police and court procedures with respect to battered women, as well as the provision of shelters; increased representation in vocational and technical schools; and the availability of free or low-cost services for those women who choose abortions.

The land claims of Connecticut Indians should be swiftly and justly settled. In 1975 the Schagticokes filed claim for 1,200 acres in Kent, Connecticut(adjacent to the present Schagticoke reservation). The Mashantucket Western Pequots filed in 1976 for 800 acres adjacent to their reservation in the town of Ledyard. Both of these cases are still pending. Meeting the social and economic needs of the State's American Indians deserves a high priority from Federal and State agencies.

Connecticut Advisory Committee Members

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Delaware

Delaware, according to 1970 census data, has a total population of 548,104 persons of whom approximately 78,276 or 15 percent are black. Hispanics represent a little more than 1 percent (8,477) of the State's population—2,486 Puerto Ricans, 777 Cubans, 616 Mexican Americans, and 4,598 other minorities of Spanish origin.

Almost all Hispanics in the State in 1970 lived in the Wilmington metropolitan area. The 1970 census, however, did not provide an accurate count of either blacks or Hispanics, and there are now efforts to correct the undercount of these minorities in the 1980 census.

New Castle County, in which Wilmington is located, is approximately 91 percent urban. In fact, 499,493 of Delaware's total population of 548,104 live within the Wilmington metropolitan area. The two other Delaware counties, Sussex and Kent, are primarily rural.

Civil Rights Developments

School Desegregation

The Delaware Advisory Committee has been monitoring a number of civil rights issues in the State over the last several years. Most recently it has been concerned with the development of a plan for desegregating schools in Wilmington and 10 suburban school districts in New Castle County, which are under Federal court order to desegregate.

In 1968 the Delaware General Assembly passed the Educational Advancement Act which consolidated school districts but barred the merger of the Wilmington school district with its adjoining suburban districts. Five black Wilmington parents sued the State board of education in 1971 charging that the act created and perpetuated racially separate school systems in New Castle County.

A three-judge court ruled in July 1974 that the desegregation of Wilmington's schools had never been completed and held the State board responsible. The judges called for more hearings in August 1974 and invited suburban school districts to join the case. On March 27, 1975, the judges ruled again and declared parts of the Educational Advancement Act unconstitutional. They also found the State had encouraged school segregation by endorsing or supporting discrimination in both public and private housing.

On January 19, 1976, the U.S. Supreme Court denied, without comment, the State's petition for rehearing, thus upholding the lower court's decision. On May 19, 1976, a Federal court ordered 11 of the 13 school districts in New Castle County to desegregate. Under the court order, the 11 districts have been given until September 1977 to begin desegregating secondary schools and until the following September to plan for desegregation of the elementary schools.

As of July 1977 there was no court-approved desegregation plan for the 11 school districts and it is unlikely that a grant of stay will be issued by the Supreme Court.

The communities involved in the court order have been fragmented in their efforts to develop a desegregation plan. There is controversy over district boundaries, fiscal matters, and faculty and student assignments. But perhaps none of the issues has been as divisive as the uncertainty felt throughout the State about what the U.S. Supreme Court and Congress will eventually decide with regard to busing.

The U.S. Commission on Civil Rights said in a recent report on metropolitan school desegregation, "While many minority students in rural communities, towns, and smaller cities have been enrolled in desegregated schools during the past decade, the great majority of black and Hispanic American children who live in large cities remain in racially isolated public schools." This observation is confirmed in Delaware. Students in Wilmington and the surrounding suburban districts in New Castle County are racially isolated; students in Kent and Sussex Counties attend schools that have much less racial imbalance.

School attendance patterns over the past 20 years in Wilmington and the surrounding suburban areas in New Castle County have shown increased racial isolation. Of the 21,543 children attending suburban New Castle County schools in 1954, only 845 or approximately 4 percent were black. Wilmington's school enrollment was 12,875, of whom 3,572 or approximately 28 percent were black. By 1964 suburban New Castle County schools enrolled 52,723 students, of whom 3,325 or about 6 percent were black. Wilmington enrollment was 15,527, of whom 8,868 students or 57 percent were black. By 1973 suburban enrollment was 73,008, including 4,359 or 6 percent black children. In that same year, Wilmington enrollment was 14,688, which included 12,141 or approximately 83 percent black students. Except for Appoquinimink and DeLaWarr school districts, the school districts in New Castle County which surround Wilmington have white student enrollments that range between 93 and 98 percent. In sum, during the period of rapid expansion of suburban school enrollment between 1954 and 1973, the proportion of black students attending suburban New Castle County schools remained relatively small. Total black enrollment in Wilmington, on the other hand, showed a threefold percentage increase.

While Delaware does not have as large an Hispanic population as some of the neighboring States, pupil enrollment figures for 1975 show that the majority of Hispanic students are attending schools in Wilmington where the white enrollment is less than 10 percent of the total enrollment.

Housing

Racial isolation which exists both within and between school districts in New Castle County is paralleled in the racial isolation found in housing patterns. In 1950 the suburban population in New Castle County was 62,000 of whom 6.4 percent were black. By 1970 the suburban population was 306,000 with a 4.5 percent black population. During the same 20-year period, the population of Wilmington declined from 110,000 to 80,000, but the percentage of black residents increased from 15.6 to 43.6 percent. Despite a fivefold increase in the suburban population between 1950 and 1970, the percentage of black residents living in the suburbs actually declined. Wilmington's population, by contrast, decreased in absolute terms, but its proportion of black residents tripled.

In 1952 the Delaware Supreme Court decided *Gebhart v. Belton*, a case that was later consolidated into *Brown v. Board of Education* (1954). H. Albert Young, attorney general of Delaware from 1952 to 1954, commented on the *Brown* decision at a symposium on curriculum, instruction, and learning held at the University of Delaware, Newark, in 1976:

> More than 20 years have elapsed and we wonder what progress has been made over that long span to comply with the law of the land in an effort to bring into balance racial equality in secondary school education. It is reported that Wilmington became a black city and is getting blacker. Urban redevelopment dislocated whole neighborhoods of black citizens. Blockbusting by some real estate agents resettled them and segregated them in white neighborhoods. An interstate highway was built bisecting the city and cleared out hundreds of homes while it pushed out many whites to the suburbs. Hundreds of homes are boarded, decrepit, and empty. HUD made it possible for blacks to purchase homes with a minimal payment, and unable to maintain monthly costs of upkeep and repair, neglect, fire, and disuse followed.

The Delaware General Assembly passed an equal housing opportunity act in 1969. But discrimination in housing remains a significant problem in Delaware, and the problem is compounded by the fact that minorities and women, who are the victims of discrimination in housing, are also the victims of high unemployment and employment discrimination.

Employment and Income

The median State income for families in 1970 was $10,211. However, median income for urban and rural, nonfarm and farm, families in Delaware differs substantially not only with regard to place of residence but also for race and sex. Minority groups and women consistently have lower median incomes than whites as a group, whether they live in an urban or rural location.

The Delaware Fair Employment Practices Act, which was the first civil rights legislation passed by Delaware, has been law since 1960. Commonly known as Title 19, it prohibits discrimination in State and local government and in the private sec-

tor on the basis of race, color, religion, age, sex, or national origin. Enforcement of Title 19, in the private sector and municipal and county government, is the responsibility of the antidiscrimination section of the Delaware Department of Labor's division of industrial affairs. Employment discrimination in the State government is within the province of the Delaware State Human Relations Commission, which was established in 1961. Also in effect is an executive order, first issued by Governor Russell W. Petersen in 1969, which bans discrimination in State agency employment, services, and facilities on the basis of race, religion, color, sex, age, or national origin. Generally, the same kinds of problems have plagued these governmental agencies in dealing with employment discrimination as have hampered Federal agencies like the Equal Employment Opportunity Commission.

Women's Rights

Delaware ratified the Equal Rights Amendment on March 22, 1972, voting 16–0 in the house and 37–0 in the senate. Since that time the Delaware code has been changed in those instances where it treated men and women differently. The Delaware Supreme Court has also stated its intent to consider suspect any legislation which appears to make a distinction between men and women and to permit such legislation only when there is a compelling State interest.

In 1974 Delaware had 2 women holding public office in State executive offices, 8 in the State House, 1 in county office, 3 as mayors, 19 as members of city councils, none as a State judge, and 95 on State boards and commissions.

The National Organization for Women has been very active in the State, and Delaware women have been seeking employment in nontraditional jobs. In areas such as higher education, law enforcement, and credit, Delaware women have not hesitated to file claims or to bring suit when they believe they have been subject to discrimination based on sex.

Unfinished Business

Civil rights groups in Delaware continue to charge that civil rights laws are not being enforced. When there is a threat to cut off Federal funds to Delaware because of noncompliance with civil rights laws, strenuous political efforts are made to prevent such a cutoff.

Recently enacted Federal legislation has the potential for strengthening civil rights efforts within Delaware and all other States. The State and Local Fiscal Assistance Act of 1972 (the general revenue sharing program), which has already dispensed $31 billion nationally, was extended in 1976 for slightly more than 3 years and will make available an additional $26.6 billion.

A significant potential for civil rights enforcement in the 1976 amendments is the requirement that the Office of Revenue Sharing cut off funds to any recipient government that discriminates with *any* Federal money it receives, whether or not it is revenue sharing money.

Discrimination on the basis of race, color, sex, and national origin was prohibited under the 1972 revenue sharing act. The 1976 amendments added age, religion, and handicapped status. Also included were new requirements for public participation in deciding how the revenue sharing money will be used.

The State of Delaware has many problems requiring Federal assistance. In February 1977 Governor Pierre S. du Pont announced the formation of the Mid-Atlantic Regional Economic Commission, which is to be funded by the Federal Government in its first 2 years of operation. Delaware, New York, New Jersey, Maryland, and Pennsylvania make up the economic development region seeking Federal funds to solve common problems.

Figures compiled by the Treasury Department for the fiscal year ending September 30, 1976, show that Delaware received $160.6 million in Federal funds, about $293.00 per person—$2.52 above the national per capita average.

In almost every area of Federal funding, Delaware received more than its neighboring States. In the last fiscal year, Delaware received $13.70 per person in aid to elementary and secondary schools, and $9.11 per person in child nutrition programs. In general revenue sharing, which is the program providing the largest single source of Federal aid, Delaware last year received $34.69 per person, for a total of $19.1 million. Only 15 states received more per capita funds than Delaware.

Civil rights and women's rights groups, together with the Delaware Advisory Committee to the U.S. Commission on Civil Rights, will be monitoring the use of Federal funds the State receives not only to assure that all groups receive their fair share but also to strengthen the enforcement of civil rights law.

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District of Columbia

According to the 1970 census, the total population of the District was 756,510 persons. Of this total, whites numbered 210,878 or 27 percent; blacks, 537,570 or 70 percent; Hispanics, 15,671, or 2 percent.

The median family income for the District was $9,583. Whites had a median family income of $14,940 while blacks and others had a median family income of $8,497.

Civil Rights Developments

Housing

Housing opportunity is the most critical civil rights issue for black and Hispanic residents of the District of Columbia and is directly related to the economic, educational, and political disadvantages these groups experience. Minus the land reserved for the Federal enclave, national parks, and other non-District-controlled areas, the District's population occupied approximately 25 percent of the available land within its boundaries. In 1975, the population density in the District was 11,737.3 persons per square mile.

In 1972 the overall rate for residential vacancies in the District was 2.7 percent. The D.C. Department of Housing and Community Development reported in 1975 that some 77,000 lower-income Washington households live in substandard, overcrowded, or overpriced housing.

Racial tensions are increasing in neighborhoods formerly noted for their economic and ethnic diversity as poor blacks are displaced by affluent whites who buy and renovate older houses. Housing opportunities in the District, consequently, are becoming even more limited for low-income residents, most of whom are black and Hispanic. Exclusionary zoning and land use policies in suburban areas often leave displaced city dwellers no choice but to leave the metropolitan area.

The June 1976 report of the Washington Urban League, *SOS '76—Speak Out for Survival! Priorities and Problems of Low Income Area Residents of Washington, D.C.*, concluded:

> Three-quarters of the residents of low income neighborhoods of the District of Columbia are looking unsuccessfully for decent housing they can afford or that will accept their children....
>
> The increasing cost of available housing, coupled with the impact of inflation on their limited household budgets, is forcing residents of low income neighborhoods deeper into poverty and indeed, poorer housing.
>
> As for home owners, property tax increases and rising public utility costs are jeopardizing home ownership opportunities for low and moderate income families.

The District of Columbia Advisory Committee conducted a public forum on civil rights issues in September 1976, seeking community participation in program planning. Of the many civil rights concerns expressed by the 30 organizational representatives who participated, housing and related issues were the most prominent.

On April 15, 1977, the Advisory Committee conducted an informal hearing on the impact of revitalization on selected D.C. neighborhoods and learned that government policies on rent controls, code enforcement, historic preservation, subway construction, and acquisitions have led to inflation of property values and real estate speculation in inner-city areas. The private housing industry perceives its market as young marrieds or affluent singles. Sale prices for single-family houses in revitalized areas range from $85,000 to $150,000.

Housing subsidies are given to areas other than those in which housing values are increasing. The integrity of the District's Hispanic neighborhood is threatened.

The Federal Presence

The District has been called "The Last Colony" in recognition of its lack of full self-government. Historically, the act of disenfranchisement was in direct response to the overspending and corruption of the Shepherd administration of the 1870s. But at the time it was also recognized as a move to thwart black suffrage.

Voting rights and self-government were taken from the District over the strong objections of several members of the Joint Select Committee to Frame a Government for the District of Columbia. The minority report stated:

> It is the conclusion of the minority that the people of the District of Columbia have a clear, incontrovertible right to a local government derived from their own suffrages; that no inhibition against the exercise of such a right is contained in the Constitution...; but on the contrary, that Congress is itself inhibited by its constitutional restrictions and public obligations from denying or abridging that right....
>
> The minority, therefore, respectfully recommend that a simple municipal government, in the usual form common to American communities, be adopted for the District of Columbia.

Certain limited powers, such as the general police power and the authority to increase property tax rates, were granted by the Congress. But, as the Supreme Court stated in *Metropolitan R.R. v. District of Columbia*, "...legislative powers have now ceased, and the municipal government is confined to mere administration."

In 1878 a presidentially appointed, three-commissioner form of government was established, and it continued with few changes until 1967 when President Johnson established an appointed mayor-commissioner-council form of government.

Some civil rights advocates have charged that Congress ignored the persistent calls for local self-determination because of the District's black majority. On December 24, 1973, Congress finally enacted the District of Columbia Self-Government and Governmental Reorganization Act, commonly called "home rule." The act was viewed as a victory for civil rights groups, though it fell short of the goals demanded by those who urged statehood. The District's budget must still be approved by the Executive Office of the President, and House and Senate committees still have the last word on the District's finances and legislation.

In 1974 the District elected its first local government in a century. Two whites and 11 blacks made up the first 13-member government, three of whom were women.

The Federal Government makes payments to the District as compensation for lost real property and business taxes, as well as for increased municipal costs stemming from the large Federal presence. When this practice began in 1878, the Federal Government agreed to pay 50 percent of the District's expenses. In 1924 Congress began to pay instead an annual lump sum, which no longer approximates 50 percent. The Commission on Organization of the Government of the District of Columbia (the Nelson Commission) reported in 1972 that the portion of the District's real property owned by the Federal Government and therefore off the tax rolls had risen to 41.3 percent.

In 1971 the D.C. Advisory Committee issued *The Movement of Federal Facilities to the Suburbs*. This report followed by a year the Commission's study, *Federal Installations and Equal Housing Opportunity*. The Commission had recommended and the President had signed an Executive order concerning the planning, acquisition, and management of Federal space as a positive step in changing discriminatory practices of past decades. However, the Advisory Committee believed the Executive order should also deal with the availability of nonsegregated housing. It recommended a moratorium on the movement of all Federal installations and facilities from the District of Columbia and urged the General Services Administration to enforce its own policy of locating sites in areas with housing for low- and moderate-income employees.

Minority Business

According to Roy Littlejohn, Advisory Committee chairperson:

> Private entrepreneurship historically has been one of the paths to full participation in our free enterprise system. But blacks and Spanish-surnamed persons, who constitute a majority of the population of the District of Columbia, own fewer than 10 percent of the city's businesses.

In 1974 the D.C. Advisory Committee issued *Obstacles to Financing Minority Enterprises*, which reported that many banks maintained minority business portfolios and assigned maximum dollar amounts to those portfolios. In addition, the Federal agencies with the responsibility to prohibit discrimination in commercial lending failed to do so. The Committee called for better recordkeeping by the financial industry of the race and sex of commercial loan applicants and of the reasons for

rejecting applications, as well as other data which would help identify discriminatory loan practices. The regulatory agencies have adopted many of the Advisory Committee's recommendations and the nondiscrimination regulations for financial institutions are among some of the strongest of any industry.

Civil Rights Enforcement

The D.C. Office of Human Rights has one of the most inclusive mandates of any agency of its type. Its jurisdiction covers discrimination in employment, housing, public accommodations, and educational institutions on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibility, physical handicap, matriculation, and political affiliation. However, the broadness of the agency's responsibility and its lack of statutory authorization have drawn two court tests challenging its authority.

Unfinished Business

Many observers believe that the civil rights problems of the District might be better addressed on a metropolitan basis. Because the problems of discrimination do not stop at the District line, it is argued that the District government and concerned citizens should seek more cooperation and uniform enforcement on the part of the adjacent Maryland and Virginia suburbs.

In addition to the issues already discussed, the District of Columbia must come to grips with inequities suffered by women, such as discrimination in the delivery of social services, education, training programs, social security benefits, and health care.

The elderly have also been overlooked and suffer numerous inequities. Issues to be investigated are whether compulsory retirement denies elderly persons equal protection of the law and whether the elderly receive their fair share of Federal aid.

To maintain neighborhood stability, the Advisory Committee believes the District government, with the help of the Federal Government, should improve delivery of services and program funds to low- and moderate-income homeowners and renters. The District government should help inner-city residents understand real estate practices and their rights under law. It should prepare a workable plan for assistance to residents who are displaced and in substandard housing. It should commit resources for the construction of large numbers of new housing units of all sorts, for the origin of the problem is the severe, continuing shortage of housing in the District of Columbia.

Enforcement authorities must continue to monitor the agencies and contractors that receive Federal funds to ensure that they are not being used discriminatorily. Opportunities must be made available for minorities and women in nontraditional jobs, and local government should set the example in training, hiring, and upgrading practices.

Vigilance is required, and the D.C. Advisory Committee and the many local civil rights and community groups intend to provide it.

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Florida

Florida is atypical of its region. It is a State of tourists. It is an agricultural State with a large citrus industry, and with truck farming, cattle raising, and wood products industries. It is a State of aliens and naturalized citizens. It is home for retirees. It is all of these and more. For minorities, it is a State of uncertainty at best, of repression at worst.

Florida has 6.5 million residents. Approximately 15 percent of them are black. Ten percent of the population is foreign born—they come from more than 68 different countries. English is the mother tongue for 80 percent of the residents, Spanish for 5.6 percent, German for 2.3 percent, and 24 other languages for the remainder.

There are two tribes of American Indians in Florida. The Seminoles, numbering some 1,200, live on three reservations in South Florida. Approximately 400 Miccosukees live along the Everglades National Park.

The civil rights issues are almost as diverse as the population. A major complaint by women is that they earn less than men. For blacks, the problems are similar to those found in other parts of the South—major disparities in income, housing, education, and health when compared to whites. In Florida, police-community relations has a different meaning for blacks than for most whites. Cuban immigrants make up most of the Hispanic population and have their own specific problems, as well as the problems they share with other Hispanic persons. Achieving citizenship, the right to participate in the elective process, and full freedom of expression are primary goals for Cubans. Hispanic problems overall center around employment and education. Most Haitians fear that their illegal status will cause them to be sent back to the country from which they fled.

Civil Rights Developments

Administration of Justice

The denial of equal treatment under the law has evoked violent disruptions in Florida. Law enforcement personnel have been accused of aggravating situations and provoking violence. For this reason, the Florida Advisory Committee has devoted most of its resources during the last decade and a half to the study of police-community relations, particularly in three major cities.

The 1960s were marked by violent confrontations throughout the State. There was widespread coverage in the summer of 1964 of the attempts of black citizens of St. Augustine, led by the late Dr. Martin Luther King, Jr., to desegregate the public accommodations of that city. Court action was required to restrain the Governor from interfering with the demonstrations, to provide protection for the demonstrators, and to remove one of the sheriff's deputies from office for violation of his responsibilities.

In Jacksonville, large scale disturbances broke out following the assassination of Dr. King in 1968 and again following the shooting of a black youth by a white salesman in 1969. Black observers felt the police had used undue force in restoring order. Rioting broke out in Liberty City, a black residential area of Miami, in 1968 during the national Republican convention. Disturbances also occurred in Dade County where a black person was killed in 1968 and a police officer in 1970.

In December 1974 a black man was killed by a white deputy sheriff in Pensacola. Unable to communicate with the sheriff and feeling that the shooting was unjustified, 400 to 500 black citizens staged demonstrations. On February 21, 1975, approximately 46 demonstrators were arrested. Two men, B. J. Brooks, head of the NAACP, and H.K. Matthews, head of the Southern Christian Leadership Conference, were sentenced on felony charges to 5 years imprisonment. The Brooks' sentence was overturned on appeal but the Matthews case had not been resolved as of July 1977.

At the time of the 1975 demonstrations, the sheriff's sworn force numbered 154, including 4 black males, 150 white males, and no females. The black population for the county was then esti-

mated at 17 percent. A Commission staff member spent several days during the upheaval in Pensacola talking with minority citizens and law enforcement officials. In May 1975 the Ku Klux Klan led a well-attended rally in the town.

More recently, in June 1977, a black youth suspected of breaking into a photo warehouse was killed by a white Tampa police officer. Two days of burning, looting, and rioting followed. The National Guard was summoned to restore order.

Several other significant incidents in Florida point to the denial of equal protection under the law, and what some consider hostility to civil rights on the part of the legislature.

Rev. Theodore Gibson, then president of the Florida NAACP, was ordered to bring membership records before a legislative committee in 1959 so the committee could determine whether there were Communists in the NAACP. Mr. Gibson was sentenced to 6 months and fined $1,200 for contempt when he refused to turn the records over to the committee. The Florida Supreme Court affirmed the lower court decision, but the U.S. Supreme Court overturned the conviction in 1963.

Freddie Pitts and Wilbert Lee were convicted in 1963 of murdering a white service station attendant in Port St. Joe in the panhandle section of the State. After extensive appeals and a second trial, the men were still found guilty in 1971 and continued to be confined to death row. Finally in 1975, after public pressure from citizens who believed the conviction was a miscarriage of justice based on race, the men were given full pardons by Governor Reuben Askew.

In 1974 the Florida Legislature passed a "fleeing felon" law which permits a law enforcement officer to use whatever force is deemed necessary to apprehend a suspect. Many blacks think the law legitimized the unnecessary use of force against minorities. In 1976 the legislature passed a bill which gave property owners the right to shoot anyone trespassing on private property. The Governor vetoed the bill and his veto was not overridden.

Many Cubans, and non-Cubans as well, are greatly disturbed by the series of bombings within the Cuban community which are directed against Cubans by Cubans. The acts are political, attacking those who dare to speak out on certain issues related to their homeland and about the bombings themselves. Most Cubans have been effectively silenced. A recent network television program reported that the Central Intelligence Agency had trained Cubans in guerilla tactics, including the manufacture of bombs. These skilled persons remain in the Miami area without a source of income. Cubans claim that the local law enforcement agencies and the FBI have refused to deal with this volatile situation.

Three recent appointments within the criminal justice system should be noted as positive developments in Florida. Joseph Hatchett was appointed in 1975 to the supreme court by Governor Askew. He is the first black to hold that position. Mr. Hatchett was subsequently elected on a statewide basis to a full 6-year term. Also in 1975, Governor Askew appointed the first black and first woman to the State parole and probation commission—Charles J. Scriven and Anabel P. Mitchell. One year later Mr. Scriven was elected chairman of the commission by his peers.

Employment

Under chapter 112 of the Florida statutes, the State is prohibited from discriminating in hiring. Lt. Gov. Jim Williams indicated last year that the percentages of nonwhites in executive agencies of the government had risen from 14 percent in 1972 to 17.2 percent in 1975. He also indicated that most of the minority workers held lower paying jobs.

The legislature passed a human rights act in 1977 which enables the Florida Commission on Human Relations, created by the legislature in 1969, to assume broader powers, including the handling of complaints for the U.S. Equal Employment Opportunity Commission (EEOC). Age, handicap, and marital status were added as factors protected from discrimination. The new act has been hailed as the first major civil rights measure in 14 years. Other Floridians view this as significant legislation because they believe the newly included groups will tend to give the agency substantial support. In addition to the State, nine cities have created local human rights agencies, two of which have authority to handle EEOC complaints.

The desegregation of public schools in Florida has had an adverse impact on blacks in supervisory positions. According to recent news stories, in the 1964–65 school year, there were 433 black principals. In 1975–76, there were only 267. The

effect of school desegregation on black teachers and other school professionals has not yet been adequately studied. In contrast to the decline in the number of black principals, for the first time a black superintendent of schools was appointed in Dade County in 1977.

Seasonal employment demanded by the citrus industry in Florida continues to provide a unique set of problems for the State. The Florida Advisory Committee held an open meeting in 1968 on the problems of migrant workers. In February 1972, a significant breakthrough in organizing agricultural workers was made when the United Farmworkers signed a contract with the Coca Cola Company food division on behalf of citrus grove workers. There is now a trend among migrant workers to remain in the State rather than to travel northward seasonally and then return to Florida. During a 4-year period, 1971–72 through 1974–75, the total number of farm laborers remained fairly constant—104,000 in the first period versus 111,712 in the second. Within this 4-year span, however, the interstate migrant population dropped almost 50 percent. There were 14,638 migrant workers in 1971–72 and only 7,673 in 1974–75. Florida is faced with all the social problems—housing, health care, employment—related to a large group of seasonally unemployed and low-skilled persons. Approximately one-third of the migrant workers are black (including natives of Barbados and Haiti) and one-third are Hispanic.

Discrimination against women in employment benefits concerns a number of citizens' organizations. Sick leave policies are among the more blatantly discriminatory. Some companies, including airlines and telephone companies, have a policy of mandatory leave when pregnancy occurs and rehire the women at a loss of seniority and at lower pay. Often the women must take a 6-month leave, beginning with the fourth or fifth month of pregnancy. Critics indicate that men do not suffer loss of seniority or pay after taking extended sick leave.

The Dade County Commission in March 1977 passed an ordinance forbidding discrimination of homosexuals in employment. Sufficient signatures were collected to force a referendum and, after a heated campaign which attracted international attention, the ordinance was repealed in June 1977 by a two-to-one vote.

Equal Rights Amendment

There have been several attempts since 1973 to ratify the Equal Rights Amendment, which proponents feel would help ensure equal employment rights for women. These efforts have not been successful. In 1973 a legislative committee held hearings on the ERA in eight cities. In 1974 the amendment was defeated in both houses. In 1975 it passed the house but was rejected in the senate, and in 1977 it failed by two votes in the senate.

Education

The process of school desegregation went smoothly in Florida for a number of reasons. The State's Governors did not choose to make desegregation a political issue. All school districts are countywide, so families could not avoid desegregation by moving to the suburbs. A federally-funded center was established in the State to assist in desegregation and was delegated significant powers by the Department of Health, Education, and Welfare. A positive psychological effect of this arrangement was that school districts requesting the services of the Desegregation Counseling Center felt they were dealing with a Florida agency rather than a Federal agency.

The center was the first to be funded in the Nation and was more involved in the school desegregation process from 1968 to 1971 than centers in other States. During those years Florida in general was desegregated for all practical purposes. Twenty of the largest school districts were under court order. The center worked with both court-ordered and HEW-supervised school districts.

In March 1976 the U.S. Commission on Civil Rights held a hearing on school desegregation in Hillsborough County in an effort to identify the procedures which were undertaken to achieve what has been termed the most desegregated system in the country and also to look at some of the emerging problems of discipline and assignment to special education classes.

Not all districts have yet resolved their "first generation" problems of desegregation. The high school in Pensacola was desegregated in November 1972 with 3,300 whites and 100 black students. The Confederate flag was flown at the school and athletic teams were identified as

"Rebels." These symbols of the "Old South" were flaunted before the black students. Black students left the school system for a time. The issue of the flag and team symbol was in and out of the courts for the following 3 years, with school officials insisting on the right to retain the symbols. A series of fights broke out in 1975. In February 1976 a major riot broke out at the school and several persons were wounded. Considerable tension remains.

Not all of the problems were on the secondary school level. In 1971 the Florida Advisory Committee held an informal hearing in Gainesville when black students at the University of Florida were unable to resolve their differences with the administration of the University of Florida. Some 80 black students had "sat in" in the office of the president in connection with issues related to black participation at the university. They were later joined by 2,000 white students. The police were called to disperse the group. Differences could not be resolved at that time and 175 black students withdrew from the school.

Voting and Political Participation

According to the Voter Education Project, black registration accounted for 9.8 percent of the total in 1974. This is well below the black percentage of population—15 percent. In January 1977 there were 84 black elected officials, including 11 women. They included 3 State legislators; 6 mayors and 4 vice mayors; 50 council members, aldermen, and commissioners; 9 judges; but only 6 county school board members out of the 67 school districts. Because Florida is not affected by the Voting Rights Act of 1965, there is no automatic review of State election laws by the U.S. Attorney General.

There have been several attacks on the method of selection of State representatives through the process of numbered districts. Two cases came before the Florida Supreme Court in the 1977 session. The plaintiffs in one case were Cubans from Miami; the other case was filed by blacks from St. Petersburg. Both sets of plaintiffs challenged the procedure, saying their political strength had been diluted. The Cuban plaintiffs lost their case. In St. Petersburg a commission has been appointed by the court to study the situation and to bring back to the court its findings. In Dade County, three persons have filed suit in Federal court challenging the entire system of selecting legislators. Plaintiffs include a black male and female and a Cuban male.

Some Cubans feel that they are denied participation in certain public bodies. For 2 years there have been no Cubans on the Dade County Grand Jury. On July 1, 1977, a 35-member constitution revision commission was appointed by the Governor, president of the senate, speaker of the house, and the chief justice of the supreme court, but no Hispanics were appointed from the four counties having the largest Hispanic population.

It is alleged that there is a deliberate delay on the part of the U.S. Immigration and Naturalization Service in processing Cubans for citizenship, and a 2-year backlog of applications has accumulated in the Miami office.

Despite the many barriers to the full involvement of Hispanics in Florida politics, there have been some achievements. It should be noted that a Cuban, Dr. Alfredo Duran, was named to chair the State Democratic party in 1977.

Unfinished Business

Gains have been made in a number of areas but are offset by the monumental tasks left for all Floridians. A number of second-generation school desegregation problems face the schools. Minorities receive substantially more suspensions from schools than whites and are more often placed in special education classes. Most school districts with students of foreign backgrounds offer bilingual classes. Districts have begun to reexamine their programs in regard to Title IX regulations relating to sex discrimination in federally-supported school programs. Schools will face considerable adjustments to meet the requirements for facilities and programs for the handicapped.

Employment is another major area, and the State government has a responsibility to see that all its citizens are represented at all levels of State employment. It is necessary to monitor the competition of blacks with Hispanics for limited job openings in the South. Farm workers need assistance as they drop out of the migrant stream to establish homes in the State. The State is only beginning to recognize the racial problems related to discipline and assignment in the public schools and has yet to come to grips with the tasks of correcting sex discrimination and meeting the needs of the handicapped.

In administration of justice, the black citizen's uneasy relationship with law enforcement agencies has to be dealt with on the local level; minorities and females need increased representation on the police forces. The relationship between various elements of the Cuban community and the struggle in that community between intimidation and freedom of expression need to be watched carefully. That few blacks and Hispanics serve on public bodies, especially the legislature, should be of great concern to all. They are not adequately represented.

There is an increasing need for an agency which will be aware of the multifaceted character of this State and monitor its efforts to deal with the minorities and women in its society.

Florida Advisory Committee Members

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Georgia

Georgia, encompassing 58,876 square miles of the Atlantic coastal plain region, ranks 21st in land area among the States. According to a survey conducted by the Georgia Chamber of Commerce, the State showed its most significant population gain between 1960 and 1970. The reported 1970 population, 4,589,575, represented an increase of 16.4 percent over the 1960 population. Of the total population, 1,187,149 are black; 29,824 are Hispanic; 2,236 are American Indian; and there are approximately 5,000 persons of other races, including Japanese, Chinese, Pilipino, and Korean.

Half of all Georgians lived in urban areas in 1970. Of the black Georgians, 68 percent are in urban areas; 256,000 (one-fifth of all black Georgians) lived in Atlanta.

In 1970, 786,041 or 18.9 percent of Georgia's residents had incomes below the poverty level. Of that number 544,403 or 69.4 percent were black.

Civil Rights Developments

Education

Beginning in 1952, the Georgia Legislature passed a long list of laws designed to thwart public school desegregation, but two white Atlanta mayors exerted a positive influence which paved the way for desegregation in Atlanta.

Atlanta, the recognized capital of the Deep South, demonstrated on August 30, 1961, that careful preparation could prevent the violence that had previously characterized public school desegregation in the South. On that date 12 black students entered four previously white high schools in Atlanta, marking Georgia's first token step toward compliance with the Supreme Court's desegregation ruling of 1954.

Four private institutions of higher learning in the State, three of them black colleges, adopted nondiscriminatory admission policies. The enrollment of two black men at the State's University of Georgia at Athens in January 1961 provoked riots. A Federal court insisted on the admission of the black men and a black woman graduate student that spring. Georgia Tech, the other exclusively white institution in the State's university system at the time, had accepted 3 black Atlanta high school graduates from among 13 blacks who sought admission in the fall of 1961. The Tech action was significant because it was voluntary and no court order was involved.

The overwhelming majority of Georgia's school systems desegregated under pressure from the U.S. Department of Health, Education, and Welfare by fall 1970. In the last few years, many of these systems have been called into court to remedy "second generation problems." The most controversial of these is the Dekalb County School System.

On November 4, 1976, a Federal judge ordered Dekalb County school officials to make major revisions in the school system's desegregation plan, including providing busing for some students and the establishment of a biracial committee to oversee revisions to the original plan. U.S. District Judge Newell Edenfield issued the order after finding the Dekalb school system in violation of the court's original 1969 desegregation order. The school officials were accused by black citizens of redrawing attendance zone lines so that schools were again segregated, and of assigning black teachers to majority black schools and white teachers to majority white schools.

In 1966 only 23 of Georgia's 188 school systems could be identified as majority black. In 1976, based on statistics compiled by the U.S. Department of Health, Education, and Welfare, 48 school systems, including Atlanta, were majority black. The growing number of black students in about a dozen other school systems that are now 40 to 50 percent black could soon dramatically increase that figure.

Nationwide, when school systems become majority black they are usually headed by black superintendents. Despite Georgia's large number of majority black systems, there are only three black superintendents (city of Atlanta, Talbot

County, and Hancock County) among the State's 188 school chiefs. According to an August 1976 four-part report in the *Atlanta Journal*, "New Segregation in Georgia's Schools," desegregation has been followed by a decline in the number and percentage of black teachers and principals.

Collaterally, in the fall of 1970, when most school desegregation occurred, the proliferation of private schools negated many of the educational, social, and economic benefits anticipated in a desegregated school system. The growth of private schools has not abated but continues yearly. In 1969 there were 151; by 1975 there were 319.

Conflict in the educational arena was not limited to the public schools. In August 1976 the Black American Law Students' Association (BALSA) of the University of Georgia School of Law contacted the Georgia Advisory Committee requesting an investigation of the law school's treatment of minority students. The first black student was admitted to the law school in 1964. From 1964 to 1976, 54 black students have enrolled and 18 have graduated. The black students attributed the high attrition rate of blacks to negative faculty attitude and lack of administrative support. Subsequent meetings were held with the law school's administration, but many of the issues are still unresolved.

Employment

In 1961 Marietta, Georgia, was the scene of the most determined and sustained drive for elimination of employment discrimination in the history of Georgia and perhaps the South. Stirred by a story in the *Atlanta Inquirer*, a local black newspaper, which pointed out discriminatory practices at the Lockheed Aircraft Corporation's huge Marietta plant, national (and White House) attention focused upon Marietta, an Atlanta suburb. It was firmly established that Lockheed's provision of separate time clocks, dining, and restroom facilities for blacks plus the company's undeniable record of racial restriction of jobs in the engineering, professional, and supervisory categories were demonstrably illegal for a corporation working under a nondiscriminatory Government contract.

Lockheed had aircraft and missile contracts with the Government amounting to over $1 billion. Changes were made at Lockheed when it became obvious that President Kennedy intended to use the Lockheed plant as a model in the Government's drive to eliminate employment discrimination in all companies working on defense contracts. A pact was signed between Lockheed and the President's Committee on Equal Employment Opportunity, headed by Vice President Lyndon Johnson, and intensive efforts to wipe out discrimination were begun. A number of black employees were upgraded in jobs and others enrolled in apprentice training programs. All dual facilities in the plant were eliminated.

The reaction of the fiercely conservative white community was tolerant and resigned. A violent reaction would have forced Lockheed out of Georgia. Lockheed needed its Government contracts and the whites needed their jobs.

Exclusive of the Lockheed experience, minorities and women are still the recipients of the most acute type of employment discrimination.

Even though government as an employer should be equitable in all aspects and set examples for private industry, Georgia is the epitome of inequity in employment. Special note should be made of the fact that in the salary range between $8,000 and $9,999 white males comprise 57 percent of the work force and peak at 80 percent in the $13,000 to $15,999 range. Furthermore, 70 percent of the jobs paying more than $8,000 are held by white males. Although more than 51 percent of the State's employees are women, most of them work in low-paying positions (e.g., the clerical and secretarial pool).

The dearth of equal employment opportunities for minorities and women is illustrated by the hiring and promotion practices of the Georgia Department of Corrections and Offender Rehabilitation (DCOR). Three years after the Georgia Advisory Committee's open meeting on the prison system (November 16–17, 1973), and 16 months after the release of the report (February 1976), little progress has been made by DCOR in the hiring and promotion of minorities and women. The equal employment opportunity plan of July 1976 clearly shows that the department has much work to do.

Administration of Justice

There is a continuing high incidence of confrontations between police and the black, Hispanic, and American Indian communities. These groups still frequently allege that police routinely harass

them and use force against them but not against whites.

The shooting death of a minority youth in Savannah in 1976 precipitated serious problems. The Savannah conflict began when two white police officers—a male and a female—killed a 21-year-old black man involved in a dispute with his grandparents. The shooting touched off several nights of demonstrations. When the two officers were released on their own recognizance—one was charged with manslaughter, the other with aggravated assault—the reaction intensified. Hostile groups of young blacks and whites roamed the city, causing additional difficulty.

Race-related violence and disparate treatment of inmates in prisons are still major problems in Georgia. The Advisory Committee's report *Georgia Prisons*, released February 1976, stated that most adult prisoners in the State penal system were kept in accommodations that were dehumanizing. In southern Georgia in early 1977, at the vastly overcrowded Reidsville Prison inhabited by violence-prone inmates, a racial confrontation erupted, leaving three black inmates dead and several severely injured. Racial tensions are still very explosive in the prison and violent incidents have become commonplace.

The town of Dawson, Georgia, has received national attention as the site of the trial, now in progress, of five black men between the ages of 17 and 21 who are charged with the murder of a white man during a grocery store holdup. Before the trial, civil rights and legal defense groups alleged that the defendants were the victims of discriminatory law enforcement practices endemic in the town. Early testimony at the trail has tended to confirm these suspicions that Dawson has two standards of justice and law enforcement. With the death penalty certified constitutional in Georgia in 1976, the groups rallying to the defense of the "Dawson 5" have raised the spectre of a potential miscarriage of justice rivaling that of the notorious "Scottsboro Boys" situation of the 1930s.

Unfinished Business

Georgia is one of the few States that have not enacted legislation for the creation of a State agency charged with encouraging, promoting, and developing fair and equal treatment for all the people of the State regardless of race, color, creed, gender, or national origin. A bill to create such an agency was defeated in 1975, 1976, and 1977. By and large, the citizens of Georgia are forced to seek Federal assistance for the redress of grievances in the denial and violation of their civil rights.

Although school desegregation has taken place peacefully in most cases, large numbers of white students have enrolled in private academies. This has put minority students in the majority in many school districts. In these districts, however, minority teachers and administrators are not being placed in decisionmaking positions in anywhere near the minority proportions of the student bodies.

Despite the urgency of school desegregation itself, other problems were and are equally acute. Allegations of discriminatory discipline practices, insensitivity to minority students, and discrimination in staff employment still come up repeatedly in complaints. The day of physical desegregation is here, yet serious problems remain in Georgia's public schools.

Today, equal employment opportunity is virtually nonexistent in the Georgia State government. Although numerous suits have been filed by groups such as the NAACP and the ACLU and by individuals against the State, Georgia continues to receive Federal money and continues to discriminate in hirings and promotions. Many opportunities for advancement and managerial positions are restricted to the "white male club" that monopolizes the administrative and supervisory positions in the system. Women and blacks have few opportunities.

Georgia Advisory Committee Members

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Hawaii

Hawaii, with a land area of 6,425 square miles, had a population of 955,800 in 1976. The population in the Aloha State includes: Caucasian, 230,100; Japanese American, 219,800; Pilipino American, 83,800; Chinese American, 35,900; Native Hawaiian, 10,900; Korean American, 10,800; black, 7,600; Samoan American, 4,500; Puerto Rican, 3,200; other and unknown, 9,300; part-Hawaiian, 135,300; and other mixtures, 76,300.

Vast distances separate the Hawaiian archipelago from the United States mainland and Pacific island neighbors. The barren and volcanic nature of a large part of the limited Hawaiian land area has imposed economic limitations which have not been eliminated by modern technology. The island's emergence as a modern State has been rapid and its growth is believed to have been accelerated by the advent of statehood in 1959. More recently, the idea of maintaining a high rate of economic growth has been challenged by many residents who believe selective growth will better serve the environmental needs of Hawaii's diverse population.

The Native Hawaiians migrated to Hawaii from other islands in the Pacific, and in their system of values the land and sea were considered resources for all. Western whalers and then missionaries brought different concepts and values which slowly eroded the Native Hawaiian lifestyle. Chinese immigrants came to work on island plantations, but soon moved to urban areas and commercial ventures. Japanese immigrants followed to work in plantation fields, but also moved on to skilled trades and professions in the cities. The Pilipinos were the last ethnic group recruited in significant numbers by planters. Later, Samoans, Koreans, and blacks arrived.

The period of rapid growth greatly affected the minority communities of the State. Samoans, Hawaiians, part-Hawaiians, Pilipinos, and blacks have often been denied equal protection of the law.

Civil Rights Developments

Issues which have civil rights implications in Hawaii are similar to mainland minority community concerns: problems in education, employment, housing, and sex discrimination are often cited by spokespersons for minorities and women. In addition, Native Hawaiians, in seeking compensation for land claimed to have been taken unjustly from their ancestors, echo similar complaints raised by Eskimos, Aleuts, and American Indians.

Employment

More studies have been made and more data compiled on the employment situation for women than on any other segment of the labor force in Hawaii. Allegations have been made that inequities exist in the appointment of qualified women to administrative and policymaking positions in State government. A 1973 study by the Hawaii-Manoa ad hoc group of university women concluded that sex was the only factor which led to inequality of university salaries for men and women.

Minorities allege they are passed over for promotions, disqualified for certain positions solely on the basis of race, often overqualified for positions they hold, and assigned additional responsibilities without any salary increase. Discrimination in employment is not limited to the public area. Many studies have indicated that there is also employment discrimination in the private sector.

Housing

Adequate, affordable housing is a major problem in Hawaii. The scarcity of land and the necessity of importing building materials have priced average-income families out of the private housing market. The housing shortage is further aggravated by the presence of armed services personnel and insufficient housing on or near military bases. The situation has made it difficult for minorities and lower income families to obtain adequate living facilities and easy for landlords to discriminate in renting. Many landlords prefer not

to rent to Samoans because "the typical Samoan family is too large."

Education

Some practices in the school system infringe upon the civil rights of minority students. Community spokespersons allege that the language barrier constitutes the basic reason for the high dropout rates among Hawaiian, Pilipino, and Samoan youths; others cite insensitivity on the part of the instructional staff as a significant concern. In 1974 the Hawaii Advisory Committee was advised by Hawaiian youths that the practice of degrading students for the use of pidgin English was still practiced by many teachers in Hawaii. Because many children have heard pidgin spoken in their homes since birth, this practice is considered grossly unfair to the students.

Unfinished Business

As late as October 1973, the Federal Government retained title to 396,000 of the more than 4.1 million acres of land in Hawaii. Native Hawaiians have sought compensation for land they claim was unjustly taken from them. Since 1976 the Hawaii Advisory Committee has monitored the situation faced by Native Hawaiians in their land claims action against the Federal Government.

Recent immigrants face a myriad of problems. For example, many Samoan immigrants have less than a high school education, which limits their employment opportunities; Pilipino immigrants with professional degrees have faced underemployment; and newly enacted State legislation places residency requirements on candidates for State employment. The American Civil Liberties Union has filed a suit on behalf of four persons—two fired and two not hired—on the basis of the residency requirement. The State Advisory Committee will monitor the legal action for civil rights implications.

Although Hawaii is viewed as a tranquil paradise by visitors, the problems faced by resident minorities and women are not unlike those faced by minorities and women on the mainland. There is a serious effort led by a small but vocal contingent to detract from the advances made on the basis of the Equal Rights Amendment of Hawaii. The true spirit of Aloha requires a strong commitment to the State's diverse population.

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Idaho

Idaho's population according to 1970 census figures consists of 682,716 whites and a minority ethnic population of 29,851 (or 4.2 percent.) The largest minority group is Hispanics, who number 16,086. Hispanics are fairly evenly distributed in urban and rural areas. The second largest group is American Indians, most of whom live in rural areas.

Poverty in Idaho affects 13.1 percent of the population or 91,248 people. Persons classified as poor include 25.2 percent of Idaho's blacks, 43.7 percent of American Indian residents, 31.8 percent of Hispanics, 13.6 percent of Japanese, 6 percent of Chinese, and 12.8 percent whites. The white majority population is slightly below the State average in incidence of poverty, while three minority groups—blacks, American Indians, and Hispanics—are disproportionately poor.

Civil Rights Developments

Idaho ratified the Equal Rights Amendment in 1973. However, the State legislature rescinded the ratification during the last session, although the legality of this action is questionable.

The Idaho Commission on Women's Programs, established in 1965, is concerned with women's issues. In 1971, in the case of *Reed v. Reed*, the United States Supreme Court struck down an Idaho probate statute because it mandated men rather than women in the administration of estates and was, therefore, unconstitutional. Since that time, many statutes have been changed to comply with this Supreme Court decision.

In 1974 the Idaho Legislature amended the law to permit both husband and wife to manage and control their community property. This change in the law also allows a wife to obtain credit and make purchases in her own name. In 1976 a law that said that the income of a married man living apart from his wife was community property while her income was separate property was struck down by the Idaho Supreme Court as discriminatory because of sex.

Housing

The U.S. Department of Housing and Urban Development allocated $1,003,000 in fiscal year 1977 for metropolitan housing in Idaho. Nonmetropolitan housing was allocated $3,710,000 and $705,000 was set aside for Indian housing. Prior to 1977, in cooperation with the local community, FHA money built housing facilities at Paul for migrant farmworkers.

In 1973 HUD also handled six Title VIII complaints and three Title VI complaints. From July 1976 to June 1977 regional HUD officers handled 10 Title VIII complaints and no Title VI complaints in Idaho.

The task force on migrant and other low-income housing of the Idaho Women's Commission studied the condition of migrant housing in 1971. The report, statewide in scope, contained the following recommendations:

- That the concept of a four-phase, job-education program for migrants in the department of employment be approved to help Mexican Americans get out of the migrant stream and into communities for year-round residency and work, and that participants have an opportunity to choose which occupations they desire to enter, in order to facilitate their education.
- That Idaho's laws be amended to give the department of health enforcement power to clean up migrant camps and other low-income housing to make them habitable.
- That when migrants settle out of the migrant stream into permanent residency and employment, they be moved out of the labor camps into community homes which meet adequate health standards and are available at reasonable rents or purchase prices.

Education

Because the minority population is small, desegregation in the public school system is not a major civil rights issue in Idaho. Bilingual-bicultural programs for Hispanics and American Indians need the greatest attention.

Of the total student population (7,000) of the University of Idaho, there are 40 blacks, 30 Chicanos, and 30 American Indians. Minorities are 1.4 percent of the university's student population, which is below the figure for the percentage of minorities (4.2 percent) in the State. In particular, Hispanics, with a population of 16,086, and American Indians, with a population of 6,687, are underrepresented at the university.

A revamped minority advisory service program at the University of Idaho began in August 1977 with the hiring of three minority student advisors for Hispanic, black, and American Indian students. This is the first time there have been three full-time counselors. Previously, a director and three part-time graduate assistants worked with minority students. The minority advisory services program to increase the number and retention of minority students at the university.

Employment

The major ethnic group participating in the Idaho work force is Hispanic, with 8,456 workers. Of this number, 3,324 (60.5 percent) work as operatives, service, or farm workers. The number of migrant Hispanic workers is considerable and needs special attention. According to a report by the task force on migrant and other low-income housing of the Idaho Women's Commission, between the areas of Hammett and Weiser, Idaho, there were 10,179 farm workers with an unemployment rate of 74 percent, and in the area between Twin Falls and Burley, there were 6,378 workers with 66 percent unemployment in 1972.

As of November 30, 1975, the number of full-time Federal employees in Idaho stood at 7,427. There were 333 (4.5 percent) minority employees, which is comparable with the percentage of minorities in the State population.

In contrast, minority hiring in the Idaho Department of Education is not at the same level as the hiring of minorities by the Federal Government in the State. In the State department of education, 1.5 percent of program employees are minority, while 3.8 percent of support staff are minority.

A discrimination complaint was filed with the State human rights commission against the University of Idaho in 1974 by the women's caucus of the university. This action eventually lead to the development of an affirmative action program at the school. During the 1976–77 academic year, the University of Idaho had 115 professional and exempt positions, 63 of them full time. Some departments of the university have met affirmative action goals, while others have not. In 1977, 17 percent of the applicants were women and 3 percent were minorities. The minority composition of the university work force is one black, eight Asian and Pacific Islanders, and two Hispanics. American Indians have no representation and Hispanics are severely underrepresented.

American Indians

In Idaho there are five tribal reservations: Coeur d' Alene, Kootenai, Nez Perce, Shoshone-Bannock, and Shoshone-Paiute. In 1976 the Kootenai received Federal funds for a housing project.

Litigation is an important arena for Indian rights. A fishing rights case, *State of Idaho, v. Tinno* was decided in favor of the Indians. However, there is concern that such decisions on a State-by-State basis are inadequate. Because the river system in Idaho is an extension of the Columbia River, decisions made in Washington and Oregon concerning fish resources have to be related to Idaho's share of the fish runs.

Water rights is another issue that is becoming increasingly more difficult to settle on a State-by-State basis. Indians are concerned that the plans for water use being worked out by Western States will adversely affect Indian development needs and violate guarantees made in treaties.

Another area of court battles is education. Currently under litigation is a case involving the Nez Perce tribe. The case involves school staffing and incorporation of the Indian heritage into the curriculum.

Indians also state that they need more Indian control over their government, lifestyle, and traditions. The influence of the majority society, they say, has been detrimental to the Indian family structure.

Areas bordering reservations present problems in the administration of justice. There are allegations of considerable police harassment of Indians in border towns.

Unfinished Business

The Idaho Commission on Civil Rights has equal opportunity jurisdiction in employment, public ac-

commodations, education, and housing. In fiscal year 1976, the State commission received 175 complaints, chiefly in employment (149 cases or 85 percent of the complaints); sex discrimination was claimed in 58.8 percent of all complaints, while race discrimination accounted for 24 percent.

In 1976 the U.S. Equal Employment Opportunity Commission found that the State human rights commission was not meeting equal employment opportunity standards as specified in Title VII of the Civil Rights Act of 1964. Consequently, the human rights commission is taking steps to meet those standards.

Educational needs of Indians are not being adequately met. The State provided no funds for Indian education until 1976 when approximately $33,000 was allocated for that purpose. The Federal Government assists Indian education through the Johnson-O'Malley program. Federal funds for this program are administered through the State and Indian education committees actively participate in program planning and decisions about the allocation of funds. One problem is the distribution formula for JOM funds. This is based on the number of eligible Indian students and the State's per capita expense for all students. Since Idaho spends less than any other State except Mississippi for their students, the State receives fewer JOM funds per Indian students.

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Illinois

The population of Illinois grew from 10,081,158 in 1960 to 11,113,976 in 1970. Approximately 63 percent of the population resided in the Chicago metropolitan area. The minority population of the State increased from 11 to 14 percent while the minority population of the Chicago area grew from 15 to 19 percent.

Civil Rights Developments

Illinois has had its share of struggles in the civil rights arena in the past 13 years. Among major civil rights-civil liberties cases in Illinois decided in the past few years by the U.S. Supreme Court:

- *Village of Arlington Heights v. Metropolitan Housing Development Corp.* confirmed a developer's right to sue charging discriminatory zoning practices but required specific intent to be shown to prove discrimination.
- *Hills v. Gautreaux* held that HUD can order metropolitan or multijurisdictional remedies where discrimination in public housing programs has been shown.
- *Stanley v. Illinois* struck down an Illinois law automatically depriving unwed fathers of custody over their children upon their mother's death.
- *Jimenez v. Weinberger* held that the Social Security Administration cannot deny disability benefits to illegitimate children even if the wage earner has not contributed to support or lived with the child.
- *United Airlines v. Evans* denied seniority rights to a flight attendant who was fired under a rule prohibiting marriage.

School Desegregation

Administrative Law Judge Everett J. Hammerstrom found the Chicago School District to be in violation of Title VI of the Civil Rights Act of 1964 and ordered HEW and HUD to withhold $80 million from the Chicago schools. The Chicago School District is the largest against which HEW has ever conducted a Title VI administrative hearing.

The decision followed HEW's rejection in 1976 of the school district's plan to correct discrimination found by HEW in 1975 as part of its nationwide major city school review. In 1975 HEW asked the district to develop a plan that would accomplish three objectives by September 1976:

- Assignment of faculty and staff so that the ratio of minority to nonminority personnel in each of the district's schools would be substantially the same as the ratio of the district as a whole;
- Assignment of faculty so that the proportion of teachers with extensive professional education and experience and the proportion of teachers with lesser amounts of training and experience would be substantially comparable in all schools; and
- Provide special instructional services for each student who speaks solely or primarily a language other than English to ensure his or her participation in all educational programs on an equal and effective basis.

In 1976 the State office of education found the Chicago School District in violation of State school discrimination laws. The school district was put on probation and was ordered to develop a desegregation plan within 1 year. The school board hired a consultant to develop a student desegregation plan and a citywide advisory committee was elected to work with the consultant. Based upon this development and a voluntary student transfer plan, the State office of education gave Chicago a 9-month extension.

In 1977 a U.S. district court found the Springfield school system guilty of racial discrimination and ordered that plans be developed to correct this situation.

Employment

The city of Chicago adopted a hiring plan for its police department ordered by the U.S. District Court for Northern Illinois in 1974 and upheld by the Seventh Circuit Court of Appeals in January 1977. Approximately $114 million in revenue

sharing funds previously withheld from the city because of discriminatory hiring practices have been released.

Finding that Chicago had "knowingly discriminated against women, blacks and Hispanics in the employment of police officers," the court ordered a hiring plan that provides that at least 16 percent of future patrol officers will be women, 42 percent will be black or Spanish surnamed, and 40 percent of the patrol officers promoted to sergeant will also be black or Spanish surnamed.

Police-Community Relations

The Illinois Advisory Committee held an open meeting in 1966 to examine police-minority group relations in Peoria. The report of the meeting recommended several steps to establish an affirmative police-community relations program. The local NAACP called upon city officials to implement the recommendations. SAC and staff members consulted with the mayor and the commission on human relations regarding the details of such a program. As a result, the mayor announced that he would carry out the SAC recommendations. He held a series of neighborhood meetings throughout the ghetto where he heard first hand of the concerns of black residents.

The mayor then acted to redress those grievances within his jurisdiction and maintained communication with the black residents of the inner city. The city manager applied for Federal funds for a 12-month study to develop a police-community relations program, which is still in existence.

Metropolitan Housing Desegregation

In August 1966, the Chicago Freedom Movement, under the leadership of Dr. Martin Luther King, Jr., began a series of neighborhood marches to real estate offices in an effort to dramatize housing discrimination in Chicago. As a community crisis developed, negotiations were begun between Mayor Daley and the Chicago Freedom Movement. During these negotiations, the movement asked Commission staff to serve in a consulting role regarding Federal aspects of the problems under discussion.

These negotiations resulted in a series of agreements between the Chicago Freedom Movement and Chicago's business, industrial, labor, governmental, and religious leaders. To implement the agreements, the leaders of the metropolitan area formed a new organization called the Leadership Council for Metropolitan Open Communities.

As the leadership council was being formed, the Illinois Advisory Committee prepared a pamphlet on how Federal programs and nondiscrimination requirements could best be used to promote metropolitan housing desegregation. In the form of a proposal to the Commission, the pamphlet, entitled, "Aids for Metropolitan Housing Desegregation," was sent to all members of the leadership council and became the major focus of the council's initial programming. It is still being used by local fair housing groups.

The Cairo Project

During 2 days of public hearings in 1966, the Illinois Advisory Committee heard reports of economic and racial problems in Cairo. Witnesses alleged that the Cairo Police Department discriminated against blacks and had beaten a black deputy sheriff who had arrested a white man. Others testified that public housing in Cairo was operated on a completely segregated basis, that the city and surrounding Alexander County refused to hire blacks except for menial and janitorial positions, and that schools were completely segregated, one with all white students and faculty and one with all black students and faculty.

At the completion of the informal hearing, the Advisory Committee concluded that there was evidence indicating local, State, and Federal agencies had joined in maintaining racial discrimination and economic depression and that various agencies were deeply involved in violating the civil rights of individual black residents of Cairo. Worse, the Advisory Committee concluded, government programs set up to end discrimination "have failed in the past, are failing at present, and most important, are threatening to fail in the future."

In the following year (1967), Cairo erupted into a racial war which, during the next 5 years, was to make the city the subject of national attention. Blacks and whites shot at each other nightly in the streets. A *New York Times* reporter speculated that Cairo might be a vision of the future of America.

In the spring of 1972, the U.S. Commission on Civil Rights held a 3-day hearing in Cairo "after the outward manifestations of racial hostility had

abated," in order to look at the underlying causes of racial strife, to determine how to prevent the recurrence of the violence that had filled the past 5 years, and to measure the effectiveness of those individuals and agencies attempting to deal with the issues.

After its hearing the Commission issued a report entitled, *Cairo, Illinois: A Symbol of Racial Polarization*, which listed 19 specific recommendations to local, State, and Federal officials to eliminate the racial discrimination and economic depression that the Commission had found.

In 1974 the Illinois Advisory Committee sent Commission staff to Cairo to measure again the racial and economic conditions of the city as a followup to the Commission's recommendations. The Advisory Committee also held 2 days of informal hearings to document the actions taken by those local, State, and Federal agencies to whom the Commission had made special recommendations. The Advisory Committee's findings were summarized in a report, *A Decade of Waiting in Cairo*, released in June 1975.

Bilingual Project

The Illinois Advisory Committee strongly believes that a systemwide program of bilingual-bicultural education should be instituted in the Chicago schools. The program should serve all Hispanics and others who want to participate and should be accompanied by the elimination of all cultural and linguistic discrimination throughout the system's operations.

On July 1, 1976, Public Act 78–727 went into effect in Illinois making bilingual-bicultural education mandatory in all schools having 20 or more students whose first language is not English. The proper enforcement of this should lead to the establishment of programs which honor the rights of Hispanics to an education. However, this has not happened.

In April 1976 the Advisory Committee released *Equal Education: A Right*, a handbook in English and Spanish for parents and community leaders on the Illinois Transitional Bilingual Education Act.

Equal Rights Amendment

The Illinois State Senate voted against ratification of the ERA in December 1976. Some senators suggested that the amendment was not in the best interests of women. Others indicated that the ERA was not favored by their districts, so passage was not in their political interest. Ratification was voted down again in 1977.

Unfinished Business

School Desegregation

School desegregation remains one of the major unfinished items of business for the Illinois Advisory Committee. On July 5, 1977, a Kane County Circuit Court judge issued a temporary restraining order barring the Illinois Board of Education from placing Aurora East School District 131 on probation for failure to submit an acceptable student desegregation plan.

Chief Circuit Court Judge Ernest W. Akemann in Geneva issued the order after the Aurora East School Board filed a lawsuit challenging the legality of State desegregation guidelines and enforcement regulations.

The lawsuit represents the first time a local school district has challenged the State's desegregation regulations, according to an Illinois Office of Education spokesperson.

In Chicago the education subcommittee of the Illinois Advisory Committee met with HEW's Office for Civil Rights staff studying discrimination in staffing and in bilingual-bicultural programs in the Chicago school system. The Committee was concerned with segregation of students in the school system and contacted State and Federal agencies to express this concern. The education subcommittee has been monitoring the development of the desegregation plan, and met in April 1977 with the consultant responsible for the plan's development.

School desegregation has been and will continue to be a focus of civil rights activities in Illinois. In several communities including Chicago, it remains to be seen whether or not adequate desegregation plans will be implemented.

Humboldt Park-West Town

The violence and rioting that erupted on June 4, 1977, in a Puerto Rican neighborhood in Chicago left death and destruction in their wake. The events in the Humboldt Park-Division Street area of Northwest Chicago, known as West Town, are reminiscent of those involving Puerto Ricans in Newark in 1972 and, tragically, in the same area

of Chicago in 1966. The specific facts of the latest explosion remain unclear.

The Civil Rights Commission has instructed its Midwestern Regional Office and requested its Illinois Advisory Committee to monitor closely the situation in Chicago.

The failure of the Illinois Legislature to ratify the ERA and the violence which erupted in Humboldt Park indicate continuing insensitivity on the part of leaders in the public and private sectors to many concerns of women and minorities. The Illinois Advisory Committee and the Midwestern Regional Office of the Commission will continue to work with civil rights organizations throughout the State to address these concerns.

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Indiana

The population of Indiana grew from 4,662,498 in 1960 to 5,193,699 in 1970, an 11.4 percent increase. The growth included a 15.9 percent increase in the urban population. More than half the population of Indiana is female. The minority population is approximately 7 percent. The capital city of Indianapolis, with a population of 746,302, is the largest city, and has a minority population of approximately 20 percent.

In 1961 the Indiana State Legislature passed a law which authorized the State government to get officially involved in civil rights. The law included a provision to establish State and local civil rights commissions, which were subsequently created.

Some of the pressing civil rights problems facing Indiana today are the same as those of the 1960s: equal access to employment, equality of education, school desegregation, adequate housing for low- and moderate-income families, inmate rights, and, in general, the lack of enforcement of laws that protect civil rights.

Civil Rights Developments

In the early and late 1960s many local commissions in Indiana were trying to respond to poverty, racism, and injustice by working on problems in housing, education, public accommodations, police-community relations, and related areas. Some initiatives saw progress, others did not. For example, in Fort Wayne, between 1960 and 1969 the local commission worked to increase employment opportunities, to get a strong, effective antidiscrimination ordinance passed by the city council, and for integrated education. However, many of the programs advocated by the Fort Wayne Commission and other groups interested in human rights were not put into effect.

There has been change for the better in civil rights laws. Recently, the Michigan City (Indiana) human rights ordinance was revised and expanded. The new ordinance outlaws discrimination in employment, housing, education, and public accommodations based on race, religion, color, age, sex, national origin, ancestry, handicap, or relationship.

The Indiana commission is responsible for the elimination of discrimination in the State and continues to direct its efforts toward resolving complaints. In 1973, 92.7 percent of its caseload was in the area of employment. In the same year most complaints received by local commissions concerned employment, housing, and public accommodations. The same pattern of local concerns was documented again in 1975 and 1976.

The needs of migrant workers include farmworker legislation, decent housing, quality bilingual-bicultural education, and health services, and constitute a civil rights issue of growing interest to Indianians.

The Indiana Advisory Committee has focused attention on welfare problems in Gary, student friction and racial unrest in Muncie, racial conditions in Indiana penal institutions, the plight of migrants in the State, reports of Ku Klux Klan activity in a major plant in Marion, status of the ERA in the State, bilingual-bicultural education in Lake County, and desegregation and educational opportunity in Fort Wayne.

Equal Employment Opportunity

Some workers have made gains under EEOC guidelines, but there are still unresolved cases such as that of *Movement for Opportunity and Equality, et al. v. Detroit Diesel Allison Division, General Motors Corporation, et al.*

The Movement is an organization of black workers, individual black employees, and former employees of Allison whose aim is to end employment discrimination in Indianapolis. The suit was brought as a class action against Allison, the International UAW, and UAW Local 933, alleging a wide class of discriminatory practices. The suit also charges harassment and retaliation for the filing of charges with EEOC.

Equal Rights Amendment

The Indiana Legislature ratified the Equal Rights Amendment in January after intense pressure from all sides of the issue, including a statement of support from the Indiana Advisory Committee.

Migrants

In April 1975 the Indiana Advisory Committee issued a report, *Indiana Migrants: Blighted Hopes, Slighted Rights*, which included a number of conclusions and recommendations regarding the equal protection of the rights of migrants and the improvement of migrant legislation (including crew leader registration, minimum wage, and worker's compensation).

As a followup to this report, a migrant mobilization conference was held and specific action proposals were undertaken by the more than 130 participants.

A Governor's task force was formed with representatives of the migrant workers, migrant advocacy groups, members of State government agencies, and other interested individuals. One basis for forming the task force was the Indiana Advisory Committee report. The task force was divided into committees to deal with problems cited in the report—employment, education, health, housing, and welfare.

In September 1976 the State Migrant Action Conference (SMAC) went on record as supporting the organizing efforts of the Farm Labor Organizing Committee (FLOC). SMAC had been formed in response to the migrant report issued by the Advisory Committee.

An Indiana Farmworker Legislative Coalition has been formed to introduce and pass needed legislation in the State. The coalition advocates:

- Coverage of migrant workers in workmen's compensation;
- Legislation mandating that wages of workers be paid to them in full within 15 days of employment;
- Legislation requiring the State board of health to license residences in migrant camps by March; and
- Coverage of farm workers under the Occupational Disease Act.

Unfinished Business

School Desegregation

The Indiana constitution places the common school under the direct control and supervision of the State. Many Indiana school systems are not desegregated but are in the process of desegregating, including Evansville, Kokomo, Hammond, Fort Wayne, and Indianapolis. The Advisory Committee has called upon the Federal Government and the school system of Fort Wayne to complete the desegregation process.

Indianapolis, which has the largest school system, is involved in a pending Federal court case regarding school desegregation. The education committee of the human relations task force of the Greater Indianapolis Progress Committee was created by the mayor's office to deal with issues of school desegregation.

The U.S. Supreme Court vacated and remanded for further consideration the Seventh Circuit Court of Appeals imposition of an interdistrict desegregation plan in *Bowen v. U.S. and Companion Cases*. The lower court found two constitutional violations: (1) the failure of the State to extend the boundaries of the Indianapolis Public School District when the municipal government of Indianapolis and other governmental units in Marion County were replaced by a countywide government called Uni-Gov; and (2) the confinement of all public housing projects (in which 98 percent of the residents are black) to areas within the boundaries of the city of Indianapolis. According to the Supreme Court, however, there was no evidence of segregative intent, as *Washington v. Davis* requires, in either the failure to make the school boundaries concurrent with Uni-Gov boundaries or in the placement of public housing.

The burden of the plaintiffs is now to show that the two actions cited above, which clearly have made a substantial contribution to interdistrict segregation, were racially motivated.

In Indianapolis, legislation voiding the automatic extension of school boundaries upon the extension of city boundaries was enacted almost simultaneously with Uni-Gov— both after the school desegregation suit had begun.

Although Indianapolis had authority to construct housing projects within 5 miles of the boundaries of the city, all have been built within city limits. While there are 3,000 applications pending for public housing, none has been built since 1969. It remains to be seen whether or not such evidence will be accepted by the Supreme Court as proof of discriminatory intent and whether or not the interdistrict plan will be upheld.

Civil Rights for the Handicapped

The 1975 Indiana General Assembly amended Indiana's civil rights law to include coverage of discrimination against the handicapped in employment, education, housing, public accommodations, and extension of credit. The legislative council estimated that it would cost $75,000 to implement this amendment. No money, however, was earmarked for this purpose.

Many of the problems related to civil rights for minorities and women affect the lives of all people of Indiana. State and local government units have crucial roles in providing solutions to the problems in employment, housing, education, and the administration of justice. The need still exists for the desegregation of all schools and for equality of opportunity for jobs and housing. The civil rights of many are still abused in Indiana even though there have been changes over the years.

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Iowa

Iowa, the "Hawkeye State," had a 1970 population of 2,884,000—1.1 percent black, 0.8 percent Hispanic, and 0.1 percent American Indian. Its capital and largest city, Des Moines, is the principal center of the State's minority population. There are also substantial black communities in Waterloo, Davenport, Cedar Rapids, and Sioux City. There are substantial Hispanic communities in and around Muscatine, Mason City, and the Shenandoah Valley area as well as in Des Moines. American Indians are concentrated principally in Sioux City, Des Moines, and the settlement at Tama.

While genuine civil rights progress has been registered in areas such as education, there is general apathy and insensitivity to other minority concerns. Given the small minority population, whites feel little threatened by the inclusion of minorities in certain social settings. For example, in a recent battle with the International Order of the Rainbow, the Indianola branch insisted on granting membership to a black girl and received strong support nationally and throughout the State. More substantive questions, however, such as employment and training opportunities continue to go unnoticed.

Civil Rights Developments

Davenport and Waterloo experienced the most visible disruptions in the late 1960s. In Davenport the primary issues have been police-community relations and education. The city has not addressed either problem successfully, so that disturbances continue to surface. In March 1977 the city was sued by the National Committee Against Discrimination in Housing for alleged violation of the Housing and Community Development Act.

In Waterloo a major demonstration which lasted 3 months occurred in 1968. What began as a student protest at the high school soon spread to a broader expression of the black community's discontent over job discrimination, urban renewal, and police behavior.

Waterloo has given more serious attention to its civil rights problems, however, than has Davenport. Finding that the city's notoriety during the 1960s had adversely affected recruitment of new industry, a group of business leaders attempted to improve interaction with the black community. Minority hiring improved and police-community dialogue was promoted. Under the Federal 236 program, the local chamber of commerce sponsored a 100-unit housing project, a nationally unique phenomenon. And despite a strong antibusing group which elected a near majority to the school board, Waterloo peacefully implemented a school desegregation plan. No millennium has been reached. Blacks still point out that civic needs—for example, the new convention center—take precedence over the black community's needs, but the city is working to improve its services to minorities.

Des Moines, Marshalltown, and Knoxville suffered some minor violence after the assassination of Dr. Martin Luther King, Jr., in April 1968. For the most part, however, the black communities are so small and politically powerless that they seem to be nearly invisible.

Employment

Job discrimination, outlawed in most sectors by the 1964 Civil Rights Act, is investigated principally by the U.S. Equal Employment Opportunity Commission, Iowa Civil Rights Commission, and local human rights commissions in major Iowa cities. The large volume of complaints filed with the State commission in 1975 alone indicates that many minorities and women perceive working conditions, hiring, and promotions to be based on other than objective standards.

The complaints have alleged discrimination in virtually all sectors of the economy: the State employment service (in filling job orders), craft unions (excluding minorities), industrial unions (failing to represent minority and female workers adequately), and employers. Public employers such as the cities of Davenport, Des Moines, At-

lantic, and Keokuk and school districts in Cedar Rapids and Johnston Community have been found by the Iowa Civil Rights Commission to have discriminated against employees. Many of the commission's decisions have been upheld by the Iowa Supreme Court.

In March 1977 the Iowa Advisory Committee decided to examine operations of the Comprehensive Employment and Training Act (CETA) as they affect minorities and women in the Greater Des Moines area. At an informal hearing June 15–16, 1977, the Advisory Committee heard charges that the CETA program nationally has given decidedly less assistance to the low-income unemployed than programs under the Manpower Development and Training Act (MDTA) and the Comprehensive Employment Program (CEP). White males appear to have been the primary beneficiaries of the current act.

In Des Moines, minorities complained that the training centers were not conveniently located to the inner-city residences and that public service jobs were not assigned equitably to minority-oriented service agencies. The program's prime sponsor, Central Iowa Regional Association of Local Governments, has made a complete housecleaning of its staff. The new leadership has committed itself to operating facilities in minority neighborhoods and has improved its own minority staff composition.

Administration of Justice

The Iowa Legislature has committed itself to a system of community-based correctional facilities, maximizing alternatives to imprisonment whenever feasible. A citizen panel, jointly appointed by the legislature, the Governor, and the State supreme court, reported that lower recidivism and improved cost ratios could be expected from expanding the program of community treatment centers while deemphasizing institutions. Currently Polk County (Des Moines) is considering a site for a new community correctional facility. Throughout Iowa, however, resistance to the idea from prospective neighbors has hampered site selection for community-based correctional facilities.

Iowa's current policy of community-based facilities has many advantages for minorities. Minority hiring will be more likely in urban centers than in the traditional rural prison "fortress" sites. Inmates will be housed closer to relatives and will have better work release and medical care opportunities.

Police-community relations have been relatively good in much of the State. A grand jury found that relations were poor between the Webster County Sheriff's Department and the black community of Fort Dodge. At the city's request, the Iowa Crime Commission conducted a field investigation there in May 1977.

The Advisory Committee has noted that in jurisdictions with substantial Hispanic and migrant populations, the police have not hired sufficient Spanish-speaking officers, nor have they provided Anglo officers with an understanding of Hispanic cultural differences so that police will be more sensitive toward this group.

Housing

Discrimination against minorities in public and private housing was reported by the Advisory Committee in a 1964 study of Des Moines, Waterloo, and Sioux City. As early as 1969 there were cases of housing discrimination being brought before the Iowa Civil Rights Commission.

In 1972 the State civil rights commission found that Hawkeye Realty, Inc., of Cedar Rapids was using "Choose Your Neighbor" cards which had the effect of allowing the community to exclude minorities. Although complaints have been filed regularly since then, no significant decisions have been rendered.

In 1971 the Iowa Advisory Committee's study of problems in Waterloo revealed that minorities had been displaced by urban renewal projects and were being steered into deteriorating sections on the East Side. Stimulated by the Advisory Committee's community meeting in July 1975, a citizens' group led by Rev. Joseph Fagan successfully persuaded the mayor and city council to devote Federal housing funds to neighborhood conservation. The group also obtained commitments of $7 million in inner-city mortgage loans from Waterloo lenders.

In Fort Dodge the Advisory Committee found that certain public services normally provided in the white portions of town were not made available to the town's black community. While the area has been rehabilitated somewhat through community development funds, a large chasm still exists

between the white and black sections of Fort Dodge.

In Muscatine the Advisory Committee found that Hispanic migrant workers could not get decent accommodations because of the acute shortage of housing. Efforts are still being made by the Advisory Committee to persuade the community to provide housing suitable for low-income families.

In Davenport minority residents were outraged when the city sought to use the bulk of its Federal community development funds in affluent white neighborhoods, most notably to build tennis courts. The case was so blatant that the National Committee Against Discrimination in Housing brought suit. A consent decree was obtained in March 1977, whereby the city agreed to allocate significant funds to low-income areas, specifically minority neighborhoods.

Education

The Iowa Department of Public Instruction (DPI) has become more active in the pursuit of equal educational opportunities. On May 20, 1971, the State board of public instruction adopted a policy statement on "Nondiscrimination in Iowa schools." It was reaffirmed on November 9, 1972, and guidelines for implementation were specified. The board has also issued guides on affirmative action and multicultural, nonsexist curricula. The progress of Iowa's public school districts towards desegregation can be attributed largely to these efforts. The State legislature passed a 1977 law calling for all teachers to take human relations training in order to be certified.

In 1976 the department reviewed the desegregation efforts of Cedar Rapids, Davenport, Des Moines, Mason City, Sioux City, South Tama, and Waterloo. The Advisory Committee also reviewed Waterloo as part of a 1976 school desegregation study.

Cedar Rapids must desegregate Tyler Elementary School over a 3-year period. To do so it intends to establish a magnet school there, focusing on the needs of undisciplined students. The program is voluntary and the staff of the department of public instruction intends to monitor it closely.

Davenport has a long history of segregated schools. In March 1976 it established an independent citizens' committee to make recommendations. However, in spring 1977 the board of education refused to act to desegregate the schools, claiming it could not do so without a unanimous decision. The failure of Davenport's board of education to address the problem of racial imbalance has caused that issue to reach a crisis point. The Iowa Board of Public Instruction has referred the matter to the Office for Civil Rights at HEW.

In 1974 Des Moines began efforts to desegregate its schools. These were voluntary and included a voluntary transfer program, a shared activities program, magnet schools, pupil assignment limitations, an affirmative action program, curriculum development, staff development, better school-community relations, and a bilingual-bicultural education program. At the insistence of HEW, the district developed a comprehensive desegregation program which included closing, pairing, and clustering. This is to be attempted on a voluntary basis in 1977–78. If voluntary efforts fail, compulsion is to be used in 1978–79.

Mason City operated one school in which minorities were isolated. As of 1976 only voluntary efforts were being used to desegregate it. The Iowa Department of Public Instruction called for increased monitoring of these voluntary efforts; a comprehensive inservice program in multicultural, nonsexist education and human relations; and desegregation of curricula. The district was commended for developing a excellent affirmative action plan and was urged to implement the plan.

Sioux City is taking minimal steps to desegregate the one racially isolated school in the district. DPI believes that further efforts will be needed to completely desegregate the facility. The district is beginning to develop an affirmative action strategy based on a 1974 plan.

Waterloo's schools are the subject of a U.S. Commission on Civil Rights monograph. Beginning in 1972 high school boundaries were realigned, and in 1973 a comprehensive school desegregation program was developed and implemented. This has proved successful although continued adjustments are necessary, and it is a dramatic change from the situation reviewed by the Advisory Committee in 1971.

In Fort Dodge, school desegregation was accomplished by closing the predominantly black Pleasant Valley school. While this put a major burden on the black children, the black community

cooperated fully. Minority faculty have been hired, and their positive influence is reflected in larger numbers of black graduates from Fort Dodge High School.

Farmworkers and Others

About 3,000 Chicano migrant farmworkers pass through Iowa annually. They work in the tomato and onion fields of southeastern Iowa and the sugar beet and asparagus fields of north central Iowa. The bulk of Hispanic Iowans, however, are third- or fourth-generation residents of Des Moines, Davenport, Bettendorf, Fort Madison, Burlington, Mason City, Cedar Rapids, Sioux City, Council Bluffs, and Muscatine.

The League of United Latin American Citizens (LULAC), the G.I. Forum, and the Latino Political Alliance of Iowa are active in the State. The Muscatine Migrant Committee serves the health needs of migrants in a four-county area. But the primary organization serving Hispanic migrants is the Migrant Action Program, headquartered in Mason City. It provides health and welfare services to migrants and settled-out migrants in the State. Although the bulk of the Hispanic population is of Mexican heritage, there are smaller numbers of Spanish, Puerto Ricans, Cubans, and South Americans. Many are in need of bilingual-bicultural educational facilities and assistance in transition from agrarian to industrial employment.

The Iowa Advisory Committee first addressed the problems of Hispanic migrant farmworkers in its 1970 study, *Where Do We Go From Here?* It published a second study, *How Far Have We Come?*, in 1976. Both reports revealed that State agencies with responsibility for wages, hours, and working conditions have not enforced legally mandated minimum conditions for the farmworkers.

As a consequence of these reports, some change is beginning to take place at the local level. More important, various churches and organizations concerned with Hispanic problems have joined together to push for adequate State action, both legislative and administrative. Partly in response to the State Advisory Committee, the Iowa General Assembly created the Iowa Spanish-Speaking Peoples Commission to focus on problems of Hispanics in Iowa.

American Indians in Iowa

The American Indian population of Iowa is concentrated in Sioux City, Des Moines, and the central Iowa city of Tama. The settlement of Tama has not received reservation status, but it suffers many of the disadvantages of a reservation. Litigation is still pending over the legal status of the trust area of the Mesquakie tribe at the Tama settlement. The State has assumed civil jurisdiction within the tribal lands, although there is some question whether the tribe ever actually surrendered it.

Indians still have to fight for their right to public accommodations. In *Jefferson v. Gaslight* (1974) the courts required a local bar to open its doors to Indians who wished to be served.

Although Federal and State policies have encouraged assimilation, urban Indian centers find they do not have the support they require to assist Indians in the transition to the predominantly white culture of the larger cities.

Women

Iowa ratified the Equal Rights Amendment in 1972. Attempts to rescind this ratification have been unsuccessful.

The Governor has taken positive action to aid women. Iowa has one of the highest proportions of women on State boards and commissions in the Nation. However, many women continue to be excluded from nontraditional union jobs. The extent of this has been reported by the Iowa Commission on the Status of Women in a study, *Underemployment and Underutilization of Women in Iowa* (1976). The battered wife problem is only now beginning to be studied. Divorce legislation still favors men and ignores the contributions of women to the family income. So far efforts by women's groups to correct this have been only partially successful. For example, homemakers still find it impossible to get disability insurance, despite economic losses to their families.

Civil Rights Enforcement

The Iowa Civil Rights Commission was established under the Iowa Civil Rights Act of 1965. Its original jurisdiction included discrimination in employment and public accommodations based on race, creed, color, religion, or national origin. In 1967 housing was added to its mandate

and in 1970 sex and age. Also in 1970 the commission acquired injunctive and subpena powers. Disability was added to its jurisdiction in 1972.

The State commission has been concerned with complaints about discrimination in craft unions (especially the ironworkers), the role of the industrial unions, and discrimination in housing. Recently it studied discrimination in the rental housing market. It has also engaged in a variety of educational functions to promote equal opportunity.

In addition to the Iowa Civil Rights Commission and the Spanish-Speaking Peoples Commission, the Iowa General Assembly established a statutory State commission on the status of women which conducts research to describe the extent of discrimination against women in all aspects of life.

Unfinished Business

Outside the Des Moines area are small but significant minority communities in the medium-sized cities of Waterloo, Fort Dodge, and Davenport. These communities face a multitude of problems in housing, education, and employment. While the Advisory Committee has devoted considerable attention to the first two communities, Davenport has not yet been addressed.

Many of the problems in the smaller cities and in Des Moines involve the use of Federal funds. The Advisory Committee's study of CETA is a first step in a comprehensive review of the extent to which Federal funds have failed to end economic discrimination against minorities and women. Other CETA programs and other block grant programs will be reviewed by the Iowa Advisory Committee to assess the effectiveness of the Federal funding as an aid to the disadvantaged.

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Kansas

Kansas, the "Sunflower State," has a population of 2,268,000 of which 4.7 percent is black, 2.1 percent is Hispanic, and 0.4 percent is American Indian. Wichita, in south central Kansas, is the largest city, followed by Kansas City, Kansas, and the State's capital, Topeka. Most of the black population in the State resides in Wichita, Kansas City, and Topeka. Many black Kansans are third generation residents, having moved there as part of the Exoduster movement of the late 1870s.

Although Kansas has a history of opposition to slavery and welcome for the ex-slave, its more recent past reflects national patterns of discrimination. After the close of Reconstruction, segregation laws were introduced. Segregated schools were tolerated and then mandated, and by the 1920s segregation in Kansas was as complete as in nearby Missouri. The landmark *Brown v. Board of Education* case actually began in suburban Johnson County and was then consolidated with Topeka. Today both areas are still segregated in fact.

Civil Rights Developments

The summers of 1967 and 1968 saw violence in the two large urban centers of Kansas. In 1967 firebombings, stone-throwing, and numerous clashes between police and black youths in Wichita centered around complaints of inadequate recreational facilities and job opportunities. There was discussion of change, but no significant change occurred.

In 1968 a Kansas City, Kansas, organization called the Sons and Daughters of Malcolm (later to become a Black Panther chapter) organized a march from the black community to city hall in memory of Dr. Martin Luther King, Jr. Some violence resulted.

Lawrence, home of the University of Kansas, experienced demonstrations in 1969 and 1970 centered around the failure of the public schools to introduce black studies and alleged unfair disciplining of minority students. In 1970 a black youth was shot dead during one of these demonstrations. Relations are much calmer now.

Employment

While many complaints of racial discrimination have been settled by the Kansas Commission on Civil Rights, the most significant recent case involved the Kansas City, Kansas, Board of Public Utilities. A black male discharged for posting articles on black affairs and discrimination on a noticeboard obtained a judgment of unlawful discrimination because the board had allowed whites to post notices. The employee won cash compensation totaling $185,000 for himself and 150 other past or present employees of the board as well as reinstatement for himself with no loss of seniority. The commission's award has been upheld by the courts.

Other significant cases include a 1976 settlement in *Scott v. Western Electric* which resulted in a 108 percent payment for two plaintiffs in excess of $21,000, and conciliation of a sex discrimination complaint with the University of Kansas which resulted in a comprehensive agreement to end sex discrimination on campus.

Investigations of discriminatory patterns by the Kansas Commission on Civil Rights resulted in conciliation agreements with the Independence School District, city of Independence, Kansas City, city of Lawrence, General Motors Corporation, and the University of Kansas. The Kansas Advisory Committee is completing its study of the State's affirmative action efforts.

Prisons and Police

In December 1974 the Advisory Committee published a report, *Inmate Rights and the Kansas State Prison System*, which documented the strengths and weaknesses of the system and called for the creation of an office of prison ombudsman. A corrections ombudsman was appointed in September 1975, and his work has resulted in increased institutional response to inmate concerns. The Advisory Committee also studied conditions at the Federal penitentiary in Leavenworth and reported its findings to the U.S. Commission on Civil Rights.

After issuing the report, the Advisory Committee met several times with the Governor, the secretary of corrections, and their representatives to voice concern about the lack of effective minority hiring. The Advisory Committee also wrote to the Law Enforcement Assistance Administration urging the curtailment of Federal funds pending an investigation of the department's affirmative action efforts. While the investigation has yet to be made, the move did provide encouragement to the department to appoint a full-time affirmative action officer. Since then minority recruitment has been initiated with measurable success. The problem now is one of effective training, retention, and promotion of minority personnel.

In September 1977 the Advisory Committee held a State conference, called "Prisons, Politics, and Fiscal Pressures." In addition to discussing programs undertaken and persistent problems, the conference focused on the department's plan to build medium security facilities and develop community-based corrections programs as Iowa and Minnesota have done.

Jail facilities around the State have received critical review and jail standards have been established. Two annual inspections have been made resulting in improvements and a few closings. Many counties have resisted the secretary of corrections' authority to close jails, resulting in legislative action to remove this authority. Many of the urban county jails were antiquated, understaffed, and ripe for regional consolidation. Facilities for women, including the State prison, are generally shortchanged in terms of programs and accommodations.

Police-community relations, a major issue in the 1960s, have achieved less notoriety in the past few years. Independence, Kansas, has had some serious problems between minorities and police throughout the 1970s. Reports of police harassment and arrests of minority youths are on the increase, especially in Wichita. A 1977 bill that would have brought local police departments under the review of the Kansas Commission on Civil Rights was defeated in the legislature after strong opposition lobbying by police organizations. The same legislature turned down a bill that would have restored capital punishment.

Housing

Redlining remains a problem in Kansas. The U.S. Comptroller of the Currency reports that in Topeka blacks are three times as likely as whites to be refused mortgages. The complexities of the redlining process prevent minorities from taking effective action to counter it.

Many housing complaints have been filed with the Kansas Commission on Civil Rights and discrimination by both public and private providers has been noted in formal judgments.

Mortgage lending practices, combined with alleged steering practices—showing black homebuyers or renters properties only in black areas—have crippled the 1968 Fair Housing Act provisions. While a few of the Johnson County suburbs have passed open housing ordinances, these remain largely symbolic in the face of extraordinarily high housing costs which serve to block minority residency. In view of the outstanding economic development occurring there—the highest growth rate in the State—such exclusionary housing barriers are particularly reprehensible.

The Kansas and Missouri Advisory Committees reviewed the problem in their report *Balanced Housing Development in Greater Kansas City*. They found that real estate practices (such as large firms' limiting their service to affluent white communities), mortgage lending practices (redlining), and governmental actions (exclusionary zoning, refusal to allow public housing developments) have effectively concentrated about 98 percent of the area's minorities into central cities. The Advisory Committees called for a fair share housing allocation plan for the metropolitan area. The Mid America Regional Council was charged with developing the plan before August 22, 1977, in order to comply with Federal housing law. Suburban Johnson County's minority population remains under 2 percent.

The extent of Federal subsidizing of discriminatory housing patterns has been reported by the Kansas and Missouri Advisory Committees in their report, *Crisis and Opportunity: Education in Greater Kansas City*, which describes the concentration of minorities in central city, subsidized projects while whites predominate in the suburban projects. This pattern was reinforced by HUD's practice of allowing low- and moderate-income projects to be concentrated in the central cities while the suburbs took less than their fair share.

Statistical data, however, do not fully reveal the extent of the discriminatory impact of Federal highway funds. While many of these funds are nominally assigned to the central cities, such funds are spent largely on freeways for suburban communities. Studies done in Kansas City and elsewhere have shown a nearly perfect correlation between freeway construction in a metropolitan area and suburban housing development.

Citizens' groups have petitioned HUD to review the community development applications of two cities in the Kansas City area. The NAACP has challenged the city of Bonner Springs to provide better services to its black neighborhoods, and the Mo-Kan Housing Association has objected to the failure of Overland Park to provide moderate-income housing for families expected to reside there. Since 1976 Section 8 housing has become available to a very few lower income families in Overland Park. In 1977 Olathe's housing assistance plan became the subject of a complaint because it provided tennis courts, football fields, and bridges, despite the serious need for housing.

Education

Kansas, the home of *Brown v. Board of Education*, has maintained segregated schools to the present day. Although Topeka has been relieved by HEW of legal liability for continued imbalances, complaints about discrimination there continue to be raised. Junction City remains in turmoil with continuing patterns of segregation. Independence is now the subject of HEW review. Other school districts, such as Fort Scott, have just announced affirmative action plans. Still others, such as Dodge City, still have no effective affirmative action programs. In 1977 the U.S. Department of Justice won an action against Unified District 500 (Kansas City, Kansas) requiring an end to the still-existing dual school system.

Little progress has been made in resolving the Kansas City case, despite the court's ruling and order for remedy. The minority community protests that the order, which closes former mandatory black schools and disperses black students, places the entire desegregation burden upon them. Black parents are now organizing to resist the effect of the order. The Department of Justice has indicated it is considering an appeal.

Bilingual education for migrants has been lacking in many of the western Kansas towns which provide Title III migrant education. Among the towns involved are Scott City, Goodland, Garden City, Ulysses, and Johnson. The best program of this sort is located in Leoti. This program was more successful in getting Hispanic staff and involving the Spanish-speaking community. Following the release of the Commission's six-part report on Mexican American education, the Midwestern Regional Office established liaison with the school districts having the largest Hispanic populations.

The State department of education, with a staff smaller than that of many school districts, does not have a significant impact on either desegregation or bilingual education.

The Advisory Committee reviewed the Kansas City, Kansas, and Shawnee Mission schools as part of its study of education in Greater Kansas City. Both may become involved in desegregation of the Kansas City, Missouri, school district. In a metropolitan desegregation suit brought by the Kansas City, Missouri, school district, two of five Kansas school districts were charged with having sent black students across State lines to segregated schools. A third district, Shawnee Mission school district, formerly provided free transportation and school books to black students who transferred to Sumner High School in Kansas City, Kansas. The fact that district and county lines were crossed was not brought out in the Kansas City, Kansas, case because the judge denied a school board motion to include this in the litigation.

Wichita, the largest city in the State, is the subject of a U.S. Commission on Civil Rights school desegregation monograph. Desegregation efforts began there in 1966 with a voluntary plan. At the same time the local NAACP chapter filed a formal complaint of discrimination under the Civil Rights Act of 1964. District efforts continued at a modest level in 1968 and 1969. Finally, following the 1971 decision of an HEW administrative law judge, the district introduced a plan for comprehensive desegregation which included crossbusing. Despite some initial hostility, by 1974 this plan was fully operational and successful. The numbers of students required to ride buses declined as more and more students volunteered to do so. Test scores rose following an initial slump.

Women

Kansas ratified the Equal Rights Amendment on March 28, 1973, and efforts to rescind the approval have not been successful.

In 1975 the Advisory Committee's study of sex discrimination showed that credit discrimination against single women, divorced women, and widowed women was nearly universal. Implementation of Federal Reserve System regulations, however, has gone a long way to eliminate this problem. The Advisory Committee has sponsored conferences to inform women of their rights and the steps necessary to ensure enforcement of the law.

American Indians

The Potawatomi, Kickapoo, Sac and Fox, and Iowa Indians are all represented in Kansas, mainly in the area around Horton. All but the Kickapoo, whose reservation is 9 miles from Horton, are of the United Tribes. There has been a continuing struggle between some tribal factions and the BIA office at Horton. Many American Indians migrate to the city in search of the jobs they cannot obtain in the home areas, yet lack the training required to obtain the better career jobs available in the urban areas.

American Indians have reported discrimination in the delivery of health care. Only the Potawatomi are served by the city of Holton's free health care facilities. Indians who leave reservations and migrate to the larger cities to obtain work lose health care services available on reservation lands.

The Indian Center of Topeka has studied the educational status of the urban Indian in Kansas. There is a need to raise the achievement level of Indian students and to improve their self-image.

The Potawatomi negotiated, without success, to recover land on which the abandoned St. Mary's Seminary stands. Although the facility was located on traditional Indian lands, it was sold to the city of St. Mary for industrial and residential use that would benefit non-Indians.

Another problem faced by all American Indians in Kansas is lack of representation in public life. Their State advisory board was abolished before it began. They are underrepresented or unrepresented in education, employment, and service agencies which serve their communities.

Hispanics in Kansas

The Kansas Hispanic community is concentrated in the major cities. The Kansas Advisory Committee sponsored a conference in Garden City in 1975 which provided assistance to educators wishing to assure Hispanics reasonable access to their ethnic heritage. As a consequence, a bilingual educators conference was held in May 1977 with technical assistance from the Central States Regional Office of the U.S. Commission on Civil Rights. This led to the formation of the Kansas Bilingual Educators Association.

The Hispanic community has been organizing over a period of years. The oldest organization in the State is the G.I. Forum. The League of United Latin American Citizens is also active, operating an education service center in Topeka to help Hispanic youths to gain places in institutions of higher education. At the local level, MECHA, a national organization of Hispanic college students, has organized Hispanic college students within Kansas by sponsoring forums and other activities.

The Roman Catholic Church has facilities such as El Centro, established in Topeka in 1973, to provide a beginning relationship between public and private services and the Hispanic peoples who need them. The Kansas City, Kansas, Hispanic community has complained about the absence of bilingual education in the district's schools.

Civil Rights Enforcement

The 1960s was the period of legislation and persuasion for the Kansas Commission on Civil Rights. The 1970s has been a decade of enforcement. The commission was established in 1953 to deal with discrimination in employment. In 1963 public accommodations were added, covering hotels, motels, cabin camps, and restaurants. In 1965 definitions of employment and public accommodations were expanded. The commission acquired the power to initiate complaints and subpena documents in 1967. In 1970 the commission acquired jurisdiction in housing, and sex discrimination was added to race, color, and creed in 1972, when the commission also became the contract compliance review agency for the State.

The commission is aided by 21 local human relations commissions which have been joined in the Kansas Human Relations Association. The commission maintains referral agreements with

some of these. A Mexican American Advisory Committee and a Kansas Advisory Committee on Indian American Affairs were established under 1974 legislation. The latter was abolished in 1976.

The commission is increasing its use of pattern investigations as it finds these more productive than complaint-oriented efforts. But it has had to take time from such investigations to clear the backlog of individual complaints. This is now reduced to 247, a moderate level in view of the increasing number of complaints filed and increased court litigation required to obtain resolution.

Unfinished Business

Despite occasional local victories and even landmark court cases, the overall picture in Kansas is not one that calls for celebration. Employment opportunities for minorities have only recently begun to be addressed. Although Governor Robert Bennett issued an executive order in 1975 requiring the State to hire more minorities and women and created the position of affirmative action officer, his order has yet to become reality.

Only in Wichita has there been much progress regarding school desegregation. Even there, some of the gains have been eroded through middle-class migration to suburban schools. Kansas City is expected to implement a plan that calls for "one-way busing" of black children only. The plan has already stirred up hostile reactions among that town's black population.

Leaders of the State's most affluent school district, Shawnee Mission in Johnson County, have indicated that they will make a thorough legal defense in the Kansas City metropolitan suit in which they are the largest defendant school district. The same leaders showed little interest in a voluntary desegregation plan which would feature some regional magnet schools.

In the corrections field, the Advisory Committee has pushed for increased hiring of minorities and women. In this it has met with genuine success, but limited primarily to positions such as affirmative action officer and counselor. The Committee is currently involved with an effort to increase the use of community-based prisons in Kansas. Change in police-community relations is slow. Much patience and considerable technical assistance is required to eliminate friction.

Housing and related problems can be resolved only in the context of the Housing and Community Development Act's housing assistance plan. The Advisory Committee expects to give greater attention to legislation designed to provide meaningful standards to measure discrimination.

The majority of Kansas Hispanics are Mexican Americans who have settled in the railroad communities since the early 1900s. Because of their language and ethnicity, opportunities in education, employment, and housing have not adequately opened up for this minority group. Migrant farm labor, the meatpacking industry, and the railroad companies have provided only unskilled and semi-skilled occupations for the majority of Hispanics.

The small American Indian population and its reluctance to complain or have confidence in non-Indian monitoring agencies should be of concern to civil rights agencies. As Indians demand their rights, it will be necessary to devote an increasing proportion of time to this isolated segment to assure its equal rights.

Kansas women have been relatively successful in asserting their legal rights; however, the Advisory Committee remains concerned about the special problems women face.

The effects of discrimination in Kansas suburbs of Kansas City, Missouri, will need constant monitoring. At a time when Federal block grants are given "without strings," the opportunity for ignoring minority needs has increased considerably. As the State civil rights commission has become more active it has also come under greater attack. It may have to abandon pattern actions. In short, despite the efforts of the Kansas Commission on Civil Rights, much remains to be done.

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Kentucky

The path to desegregation in Kentucky has been filled with obstacles. In 1954 the home of two white Louisville civil rights activists was destroyed by a bomb when they attempted to sell it to a black. In September 1976 a Louisville public school was damaged by a bomb as the school system began its second year of busing students as ordered by a court desegregation plan. Such acts of violence are clear indicators of the intensity of racism in Kentucky.

Approximately 7 percent of Kentucky's 3,218,697 residents are black. Louisville, Lexington, and Bowling Green are home for most blacks. Other minorities make up 2 percent of the State's population, including 11,000 Hispanics and approximately 1,200 American Indians.

The median income for persons over 14 years of age reveals a significant disparity in the quality of life possible for minorities and women in Kentucky in contrast to white males. The median income for white males over 14 is $5,074, for white females $1,928, for black males $3,348, for black females $1,617. Among the Hispanics, men earn $5,008 in contrast to $2,207 for their female counterparts.

Although blacks compose only 7 percent of the State population, almost 40 percent of them live below the poverty level as does 22 percent of the white population. Forty percent of the elderly citizens of Kentucky live below the poverty level. In 1970 over 10 percent of the State's population, or 337,428 persons, were 65 years of age or older.

Despite the fact that the average Kentucky woman aged 25 or older is better educated than the average Kentucky man, women earn less money and are unemployed more often. The unemployment rate for women in 1970 was 5.5 percent. The corresponding rate for men was 4.1 percent. Among blacks the same inequity exists—the unemployment rate for women is 7.8 percent and for men it is 6.1 percent. A median of 10.2 years of schooling is completed by white women and 9.5 years by white men. Black women have a median of 9.7 years of schooling while black men have 8.9 years.

The lack of some or all plumbing facilities in 21 percent of all occupied housing units in Kentucky indicates the need for improvement in the quality of housing. Approximately 22 percent of all white-occupied housing units lack some or all plumbing; 19 percent of black-occupied units lack those same facilities. Despite the near equality in the numbers of black- and white-occupied housing which lack plumbing facilities, median value of housing with a white head of household is approximately 50 percent higher than that of a black—$12,600 in contrast to $8,200.

Some State legislation has been passed to improve the status of minorities, women, and the elderly. In 1960 the State established a Kentucky Commission on Human Rights. The Kentucky Civil Rights Act was enacted in 1966 and later the Fair Housing Act of 1968 was passed. With these laws the State guaranteed all citizens the right to equal employment opportunities, the right to be served in public accommodations, and the right to purchase or rent housing in any area without regard to race, color, religion, or national origin. Guarantees against discrimination based on sex or age were added to the 1966 Civil Rights Act in 1972.

The Equal Rights Amendment was ratified by the legislature when it was first introduced. During subsequent sessions, however, attempts have been made to rescind it.

Civil Rights Developments

Employment

In addition to establishing the Kentucky Commission on Human Rights in 1960, a merit system was created for State employees. The system was intended to bring fair employment coverage to 15,000 jobs in the State government. In 1963 the Governor went a step farther and issued a "Governor's Code of Fair Practice" which required that persons awarded State contracts refrain from discriminatory employment practices. Parts of the code were also directed specifically at State agencies.

Despite these positive actions, women and minorities are still employed in limited numbers in some agencies of State government. As of February 1977 the State bureau of police has 1,408 employees of whom 1,144 (81 percent) were white males, 219 were white females, 28 were black males, 15 were black females, and 2 were other minorities. Before 1973 there were no black State police troopers. Currently the bureau has a freeze on hiring, which further limits opportunities for minorities and women.

The Kentucky Advisory Committee to the U.S. Commission on Civil Rights is currently conducting a study on equal employment opportunities in the bureau of police and will issue a full report with recommendations in 1978.

The Kentucky Commission on Human Rights has won some impressive victories for the victims of employment discrimination in private industry. Affirmative action has often been won in negotiated settlements with employers as well as cash settlements for affected parties. The number of complaints charging employment discrimination based on race and sex has steadily increased. During fiscal year 1976, 286 complaints were received of which 239 alleged employment discrimination, 40 alleged discrimination in housing, and 7, discrimination in public accommodations. Of the 239 employment discrimination charges, 139 contended sex discrimination, 88 racial, 6 discrimination based on age, 4 on religion, and 2 on national origin.

The following cases illustrate the results achieved by the Kentucky Commission on Human Rights in settling discrimination complaints:

- A Beechmont, Kentucky, women was awarded $14,000 as part of a settlement in a sex discrimination complaint against Gibralter Coal Corporation in June 1976. The settlement was the first in which a substantial amount was awarded and was a forerunner of other such sex discrimination cases. The plaintiff charged that Gibralter failed to hire her as a laborer in a strip mine because of her sex. Although the company denied the charges, it agreed to award the plaintiff back pay and damages and to give 27 other women an opportunity to renew their applications, and to hire them if qualified.
- Two other Kentucky women were awarded $30,000 in 1976 as settlements of sex discrimination complaints against South East Coal Mines of Whitesburg and Winconsin Steel Coal Mines of Benham. These agreements also included requirements for future employment of women and the initiation of affirmative action procedures to hire more women.

According to Galen Martin, executive director of the Kentucky Commission on Human Rights, the settlements should have far-reaching effects on opening up mining jobs to women in the State's coal industry. The Winconsin Steel agreement called for hiring one woman for every three men until women hold 20 percent of the firm's nonclerical jobs.

School Desegregation

Progress in the desegregation of public schools in Kentucky has been slow and often painful. The State's two largest cities, Louisville and Lexington, offer a dramatic contrast. It was not until 1975, after extended litigation, that the Louisville schools actually began to desegregate. Violence marked the opening of schools in 1975 and again in 1976. Yet, just 70 miles east of Louisville, in Lexington, desegregation had occurred peacefully in 1968.

Lexington officials redrew school district lines to accommodate an increase in the city population and to give racial balance to the schools. In the 1970s, it became necessary to reassign some teachers and to bus some students out of their school districts to achieve racial balance and continue voluntary compliance with desegregation guidelines of the U.S. Department of Health, Education, and Welfare. The transfers and busing occurred without incident.

The desegregation of Louisville schools resulted only because of a suit brought by the NAACP in 1972. The plaintiffs asked for the merger of the Louisville and the Jefferson County school systems. After 3 years of complex litigation, the Court of Appeals for the Sixth Circuit ruled that the county was the basic educational unit in the State, noted that State law provided for mergers of city and county systems, and ordered that the Louisville-Jefferson school systems be merged. When this occurred in 1975, the county system had approximately 90,000 students, 4 percent of whom were black. The Louisville school system had 45,000 students, 54 percent of whom were black.

The desegregation plan for the Louisville-Jefferson schools was implemented in September 1975. It provided for the clustering of schools which were predominately white or black and for transporting students within that cluster to achieve a more balanced racial mix. School personnel, including administrators, support staff, teachers, and others, were reassigned to reflect the systemwide racial composition of the staff. In an unusual move, the court granted the school board's request that first graders be allowed to attend schools near their homes and thereby be exempted from lengthy bus rides for the sake of racial balance. The court also approved this exemption for the 1976–77 school year.

During the U.S. Commission on Civil Rights' 10-month study of school desegregation in the Nation, Louisville was the site of an indepth study and public hearing (May 1976). More than 100 witnesses testified during the 3-day hearing. Testimony was generally critical of the handling of the desegregation process. Not only was the civic leadership of Louisville criticized for allowing problems to fester rather than exerting their influence to solve those problems, but the local business community was also criticized. Some witnesses alleged that labor unions hindered desegregation and that the media's coverage of the school desegregation issues tended to be inflammatory.

Several important findings emerged from the hearing. Opposition to desegregation among students existed only to a limited degree. The traditional community leaders did little to urge and promote community acceptance of the court's ruling for desegregation. Politicians remained silent on the issue and allowed the voices of disruption to be clearly heard.

Political Participation

Prior to 1960 few blacks held public office in Kentucky. Those who were elected usually came from districts with a majority black population. A notable exception was the election in 1958 of Woodford Porter to the Louisville Board of Education. In the 1960s more blacks were successful in majority white cities. Henry Sykes was elected a city commissioner in Lexington in 1963. Luska J. Twyman, a member of the Kentucky Advisory Committee to the U.S. Commission on Civil Rights, was elected mayor of Glasgow, a town of about 11,000, after he completed the unexpired term of a former mayor.

By 1970 there were 41 blacks in elective offices throughout the State. However, blacks are still a small proportion of the 6,000 elected officials in the State.

Unfinished Business

The Commission hearing and subsequent report, *Fulfilling the Letter and Spirit of the Law,* identified several problems in the desegregated school system which needed attention in 1976. Among the most critical is the discovery that blacks are being suspended disproportionately to their numbers in the public schools. Hardship transfers, which allow students to be exempted from reassignments, have been granted to a disproportionate number of white students. The enrollment of students in the system's special school for students with disciplinary problems is disproportionately black, while the enrollment of students in the special programs for students with less severe disciplinary problems is disproportionately white.

As the situation in Louisville clearly indicates, successful school desegregation cannot be accomplished by a court order alone. Desegregation requires a spirit of cooperation among black and white leaders and the commitment of school officials, classroom teachers, and parents.

State laws ensuring equal opportunity in employment and housing have not yet had a significant impact on the status of minorities and women in Kentucky. Some gains have been made, but when extensive busing is required in order to desegregate the public schools of Louisville, questions about equal opportunity in housing and economic opportunities must be raised. The large number of complaints of discrimination received by the Kentucky Commission on Human Rights clearly indicates that women, minorities, and the elderly still face the barrier of discrimination.

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Louisiana

With a population of more than 3.6 million in 1970, Louisiana ranks 20th among the States in size. Nearly 70 percent of the population is white and about 30 percent black. Other races make up about 0.4 percent of the population.

Census figures show a dramatic shift in the population from rural to urban areas in the last two decades. In 1950 more than half the population lived in rural areas. In 1970 about one-third of the population was rural.

Poverty and illiteracy are severe in Louisiana. In 1969 the median family income was $7,530; 18.9 percent of Louisiana families lived below the poverty level. The economic plight of blacks in the State is severe. Of the nonwhite population, 47.4 percent are below the poverty level of $3,388.

Louisiana ranked first in 1970 among the States in the highest percentage of persons over 25 years with no school completed. Of the State's population, 3.9 percent had no schooling; the national average was only 1.6 percent. Louisiana was first in the Nation with the number of adults 25 years old and older with less than 5 years of schooling.

Civil Rights Developments

Voting Rights and Political Participation

For years Louisiana had restricted black suffrage and a sizeable number of the counties had a history of rampant discrimination in voting. As late as 1960, many Louisiana parishes had few, if any, black voters.

Provisions in the Civil Rights Acts of 1957 and 1960 were intended to protect the voting rights of blacks but were largely ineffective in dismantling the barriers to black voting in Louisiana. After the disappointing results under the statutes, it became obvious that more drastic Federal action would be required to ensure a new era of black participation in Louisiana politics. This action came with the passage of the Voting Rights Act of 1965, which has been a most effective instrument in eliminating discrimination in voting in this State.

The success of the Voting Rights Act of 1965 in facilitating black registration and voting in Louisiana was due to several provisions: (1) suspensions of testing devices; (2) use of Federal voting registrars and Federal observers to monitor elections; and (3) section 5 of the Voting Rights Act, which forbids certain areas from altering their electoral system without prior clearance by the Attorney General or the U.S. District Court for the District of Columbia. There seems to be little doubt that the Voting Rights Act of 1965 and increased political awareness by blacks stimulated a new era of black politics in Louisiana.

Political accomplishments by blacks in recent years in this State have been rather impressive. The Voting Rights Act spurred massive voter registration drives by black organizations, and it became possible for the first time for the black vote to decide elections in many Louisiana parishes. By October 1976, 63 percent of the eligible blacks in Louisiana were registered to vote. This is in sharp contrast to 1964 when only 31.6 percent were registered. The figures are even more impressive when one looks at certain parishes. In DeSoto Parish, in 1964 there were 849 registered black voters; but in 1976 there were 5,324, a dramatic increase when measured against any standard. Figures for Morehouse Parish are equally impressive. In 1964, 491 blacks were registered; by 1976, the number was 4,237.

In the 12 years since the passage of the Voting Rights Act of 1965, the number of black voters in Louisiana has increased by 255 percent while the number of white voters has increased by only 71 percent.

The number of black elected officials in Louisiana was 280 in 1976. This number includes one State senator, 8 State representatives, and 270 local elected officials. In 1964 there were only 37 elected black officials. White candidates for public office now offer worthwhile choices for minorities because they are challenged to do so by an aggressive and effective black electorate.

The importance of the black vote in Louisiana is manifest in other ways. More blacks can be found in State government, parish courthouses, and city halls. The State secretary of urban affairs and community relations (a cabinet position), deputy secretary of the department of corrections, and the deputy commissioner of administration are black. Increased political power of blacks in the State is no doubt responsible for the improved treatment of blacks by public officials ranging from judges and State troopers to parish sheriffs and local constables. There have also been improvements in municipal services and economic opportunities, but this report would be misleading if it did not underscore the fact that much remains to be done.

Education

The effort to desegregate Louisiana's public schools has a long and turbulent history marked by numerous court cases (initiated by both blacks and whites) and ingenious schemes to avoid or delay desegregation. A desegregation action was filed in the Federal District Court for the Eastern District of Louisiana as early as 1952. This case, involving the Orleans Parish schools, moved through various stages of litigation until July 1, 1959, when District Judge Skelly Wright ordered the board to submit a plan of desegregation by March 1, 1960. This court order placed the Orleans Parish schools in a dilemma, for State laws (which had been passed in response to the *Brown* case) made integration of the public schools illegal.

As in New Orleans, many school districts in the State faced this problem. Some reacted to desegregation orders by closing all public schools and opening private schools for whites only; others reacted by placing a great deal of pressure on the State officials to defy the court orders by whatever means necessary, including interposition. Black leaders in the State, with the aid of organizations such as the NAACP and CORE, pressed for school desegregation.

The battle over school desegregation in Louisiana reached its peak with the cries of "two, four, six, eight, we don't want to integrate," by white parents in New Orleans opposing the implementation of the court-ordered plan in 1961. Since then, almost every scheme imaginable has been used by school districts in the various parishes to delay or avoid desegregation of public schools. Many black leaders express a great deal of frustration at the role Federal district courts played in these delays and concern that the burden of desegregation was placed on black students.

As a result of pressure by black parents and leaders, and with limited help from the Federal Government, the dual system of public education in Louisiana began to crumble in the late 1960s. Today, all school districts in the State are nominally desegregated. However, there are still many all-black schools within school districts. Numerous black schools have been closed and much of the busing involves blacks leaving their neighborhoods to attend previously all-white schools located in white neighborhoods.

White resistance to desegregation of the schools has led to many other problems that become greater each year. Foremost among them is the absence of blacks in decisionmaking positions in the districts. As of January 31, 1976, all of the 66 school superintendents were white. Only 10 percent of the school board members are black and most school systems have no blacks on the boards, including the East Baton Rouge school system which had a black enrollment of 25,996 as of May 31, 1976, and is the third largest school district in the State.

Of the 872,766 youngsters in public schools during 1976–77, 352,007 (40 percent) were black. Of 1,500 principals, only 365 were black.

Black students are being expelled in unprecedented numbers. In 1976 East Baton Rouge Parish Schools expelled 242 blacks, while only 54 white students were expelled. Many black educators and leaders believe that many of the expulsions are racially motivated. Tracking, which results in segregation within a school, is cited as an increasing problem. A disproportionate number of black students are also placed in special education classes.

Problems within the desegregated schools are so great that some blacks question the value of school desegregation even before the dual system is completely dismantled.

Housing

With the large population shifts from rural to urban areas, housing in urban areas has become a critical problem. In a study of housing conditions

in New Orleans, the Louisiana Advisory Committee found that the city had a serious shortage of low-income housing. Low-cost housing is substandard and in short supply. Because of the high cost of land in New Orleans and the lack of Federal subsidies, the home building industry in the area is unable to supply housing at a low cost.

Blacks pay a greater proportion of their income for housing than do any other groups in the city and occupy more than half of the substandard dwellings. Census data indicates that approximately 30 percent of the black community in New Orleans pays in excess of 35 percent of its income for rent, compared to only 17 percent of the white community.

Administration of Justice

Many blacks considered law enforcement officers to be allied to opponents of the civil rights movement in Louisiana in the early 1960s. Law enforcement and the administration of justice today are still considered discriminatory. Blacks are subject to unduly harsh treatment by law enforcement officials and receive physical and verbal abuse and penalties that are disproportionately severe. They are still substantially underrepresented on grand and petit juries and underrepresented in the employment of law enforcement agencies. The election of State judges in at-large elections has made it almost impossible to secure black representation on the bench. In a State almost one-third black, none of the nine Federal district judges and only five of the State judges are black.

Prisons

There are two aspects of a modern penal institution: one is punishment, and the other is correction. An examination of the facilities, administration, and correctional or rehabilitation programs of the prison system in Louisiana found that the system has been a victim of neglect. Current inadequacies and problems in the Louisiana system are detailed in a 1976 report of the Louisiana Advisory Committee to the U.S. Commission on Civil Rights. The study found that correctional reform ranks low on the agenda of priorities in Louisiana. The low priority status is due to lack of political initiative, tradition, and public apathy.

Not enough emphasis has been placed on hiring of minorities and women at the administrative, professional, and custodial levels by the department of corrections. In a system where approximately 70 percent of the adult population are black, only about 29 percent of the correctional officers are black.

Present facilities at Angola, the report said, are inadequate for the well-being of inmates and for establishing an environment conducive to rehabilitation and treatment. The institution is too large and too isolated to be operated in an efficient manner.

Recommendations have been made by the Louisiana Advisory Committee and other groups that could lead to improvements in the Louisiana adult corrections system.

Women's Rights

Over the years Louisiana has made little progress in the area of women's rights, and discrimination is serious in every phase of life for women in the State. The Louisiana civil code considers the husband the head and master of the community; a woman has little, if any, right to property acquired during a marriage. This law has been attacked by various women's groups in the State without success during the past several years. The Equal Rights Amendment has been voted down by the male-dominated Louisiana Legislature every year since 1972.

The State legislature has only two women: a black from New Orleans in the house of representatives and a white from Shreveport in the senate. Only two women serve as department heads in State government, and there is only one female judge in the State, a black juvenile judge in New Orleans.

Female representation on boards and commissions in the State is among the lowest in the Nation. There are no women mayors in cities with population 10,000 and over, and few women serving on city commissions. The State treasurer is the only woman elected to statewide office, and one woman serves in the U.S. House of Representatives.

Unfinished Business

When contrasted with past conditions, progress has been made in Louisiana through affirmation

and extension of the civil rights guaranteed by the Constitution to all American citizens. In political participation, education, housing, administration of justice, prisons, and women's rights, changes for the better have been made. With extension of voting rights, the political influence of the black population is gradually producing a new political order. Acceleration of this change across the next several years could provide the framework for a strong base of political activism on local, State, and national levels.

Effective integration of public schools in the future could open the door to literacy for a greater percentage of the citizens of Louisiana. This is a realistic way of reducing the economic and social burden of any State with a large proportion of its population poor and illiterate. Practical and collective efforts to provide the best education for all Louisiana youth, regardless of race, will prove the wisest course of action.

Much remains to be done in Louisiana. Existing conditions of inadequate low-income housing, the absence of adequate Federal subsidies, and the heavy burden of substandard housing for blacks need immediate attention. Active response in the form of programs, funds, and increased supply of public housing accommodations is overdue.

The rights of those incarcerated in the State penal institutions have been well established by the courts, yet the State of Louisiana has a long way to go in the recognition and protection of those rights.

Finally, the rights of women have been almost completely ignored in Louisiana. A strong cultural tradition can no longer be used as an excuse for the denial of rights to more than half the State's population.

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Maine

According to the 1970 census, Maine had a population of 992,048 persons, of whom 509,183 were women. Franco Americans are by far the State's largest ethnic minority group. According to Madeleine Giguerre of the University of Maine, in 1970 there were 141,489 persons whose mother tongue was French. In addition, there are a large number of English-speaking Franco Americans. Estimates of the actual number of persons of French Canadian heritage range from 20 percent to 40 percent of the population.

According to the 1970 census, other minority groups include 2,800 blacks (0.3 percent) 3,730 Hispanics (0.4 percent), and 2,195 American Indians (0.2 percent). Three hundred and sixty nine of the Hispanics were Puerto Rican.

Blacks are concentrated in such urban areas as Augusta, the State capital, and Portland, Maine's largest city. In 1970, of 65,116 persons in Portland, 428 were black. Hispanics reside throughout the State, although a larger proportion can be found in urban areas.

Nearly all Maine Indians belong to one of four tribes (Passamaquoddy, Penobscot, Micmac, and Maliseet), all members of what is known as the Wabanaki Confederacy. Slightly more than 1,000 Indians live on three reservations, two of which are governed by the Passamaquoddy tribe and one by the Penobscot. The Micmac and Maliseet tribes have reservations in Canada, but none in Maine. Their members are represented by several Indian organizations, including the Association of Aroostook Indians, the Central Maine Indian Association, and the newly formed Southern Maine Indian Association.

The State planning department estimates that the total population had grown to 1,070,000 by 1976. Although there are no official estimates for the change in minority populations, the National Association for the Advancement of Colored People (NAACP) estimates that there were 3,500 blacks in 1975. The commissioner of Indian affairs reports that there were 4,383 American Indians in 1976. These estimates are based on the 1970 census (including compensation for an alleged undercount of minorities) and, in the case of the black population, a continuing migration of blacks to the northern New England States.

According to the State department of manpower affairs, in 1976 the unemployment rate was 9.3 percent; however, the rate for women was 11.2 percent. The rate for unemployed black males was much higher—18.3 percent—but the rate for black females was 2.9 percent.

In 1970 the median income for men was $5,360 and for women $1,940. The median income for white families was $8,215 while the income for nonwhite families was $5,940.

Civil Rights Developments

The Maine Human Rights Commission, established by legislation in July 1972, is the primary civil rights enforcement agency in the State. The commission's mandate initially covered discrimination by race, color, national origin, ancestry, religion, and age. Its legislation was amended in 1973 to include sex and in 1974 to include the physically handicapped. In 1975, additional amendments prohibited discrimination against public assistance recipients in housing and against the mentally handicapped. This expansion of responsibility, however, has not been accompanied by increased funding. Insufficient funds have hampered the work of the commission.

A second agency is the Governor's advisory council on the status of women, which was reactivated in 1972 to advise the executive branch on women's issues and to promote and coordinate activities throughout the State. In 1976 the council was reorganized and renamed the Maine Commission on Women. This commission conducts research, advises on issues, lobbies for legislation pertaining to women, and has held regular workshops for women who are interested in political office.

The State department of Indian affairs, created in 1965, was the first such State department in the Nation. It carries out local general assistance programs on the reservations, manages tribal trust funds, supports reservation housing authorities, assists off-reservation Indians, and acts as an advocate for Indians in the State. Among other charges, Indian groups have alleged that the department has been understaffed and underfunded.

In July 1972, then Governor Kenneth M. Curtis issued executive order no. 11 requiring nondiscrimination in State government employment practices. As a direct result of a recommendation by the Maine Advisory Committee, he issued a second order requiring affirmative action by all State departments (executive order no. 24). Governor James B. Longley reissued this order. In 1975 the legislature adopted the executive order as State law. This law has been interpreted to cover all agencies or organizations which receive as little as $1 of State funds or funds from other sources which pass through the State.

The State legislature has also enacted the Omnibus Bill of 1976 which revised all Maine statutes to conform with Federal and State requirements for nondiscrimination and equal protection. This legislation changed the State's marriage and property laws and eliminated "sexist" terminology or words which gave a legal preference to one sex. Although the Omnibus Bill changed rape laws, a woman still cannot charge her husband with rape. In 1976 Maine became the 31st State to ratify the Federal Equal Rights Amendment. In 1977 the legislature passed the Offensive Name Act, which empowered the State to change all offensive or derogatory names of public parks, lakes, and areas. Names such as Nigger Lake will be changed as a result of this act.

American Indians

In the past 5 years, the Penobscot and Passamaquoddy Indian tribes have successfully challenged the doctrine of "Federal recognition" under which U.S. Bureau of Indian Affairs (BIA) services were made available to some Indian groups, largely in the West, South, and Southwest, but not to others, including all New England tribes. In 1972 the tribes asked the U.S. Department of Justice to file suit on their tribe's behalf against the State of Maine for taking land illegally in 1794 in violation of a 1790 statute. When the Government refused to do so on the grounds that the Penobscot and Passamaquoddy tribes were not "recognized" or eligible for Federal protection, the tribes filed suit against the Federal Government challenging this administrative decision.

In a landmark decision, *Passamaquoddy v. Morton*, the Federal district court ruled in January 1975 that the tribes should receive Federal protection and ordered the Government to file suit for them. This decision, which was upheld on appeal, is generally accepted as the first step to making Indians who are not federally recognized eligible not only for Federal protection but also for Bureau of Indian Affairs services.

The two tribes continued their demands that the State return land taken in violation of the Non-Intercourse Act of 1790. The Federal Government agreed to file the suit if the claim was not settled out of court, and the Departments of Justice and the Interior have said that the Indians have a valid legal claim to 5 million acres of forest land in northern Maine. Because of the suit, not only land transactions but also many other State projects such as federally-funded public works programs were stalled for several months. In the spring of 1977, President Carter appointed a special Federal mediator to help both sides reach an agreement to be approved by Congress.

The Advisory Committee's involvement in the Passamaquoddy land claim, the larger issue of Federal recognition, and the problem of inadequate State and Federal services to Indians began in the early 1970s. Following a study of the plight of the Maine Indians, the Advisory Committee issued a report in 1974. A major recommendation was the extension of Federal protection and BIA services to the Maine Indians. Among other recommendations made to the Federal, State, and local governments, those for the creation of a State office for off-reservation Indians and an Indian police department were subsequently implemented.

Women's Rights

The issues of employment, education, and housing are of prime importance to women in Maine. Many women live in low-income, rural areas where these major social problems are intensified by poverty and isolation. Although there are

several well-organized women's groups, these are relatively small, and a large number of women live outside of the major cities beyond the reach and support of women's groups.

Although a relatively high percentage of women work outside their homes, they are concentrated in the lower salary positions and underrepresented at the higher salary and policymaking positions. In its 1972 study of equality of employment opportunity in selected State agencies, the Advisory Committee found that women held 48.9 percent of the jobs under $7,000 but only 4.4 percent of the jobs over $15,000.

In addition, in its analysis of the work force of those Maine banks which are Federal contractors, the Advisory Committee concluded that women are underrepresented at the higher managerial levels, that women who enter upper management are still excluded from making policy, and that too many women were placed in positions with personnel, public relations, and equal opportunity responsibilities.

A program for battered women has been established in Bangor and rape centers have been set up in Bangor and Portland. However, these centers are underfunded and an application for Federal funds for a second shelter for battered women was denied.

Franco Americans

There is a major problem in identifying Franco Americans, in part because they do not wish to be considered a "minority" group and in part because data collection procedures are inadequate. In 1977 no Federal agency identified Franco Americans as a separate minority group, and the Maine Department of Education and most school systems did not have any statistical records on the number of Franco Americans or the number of students with French as their primary home language.

Nonetheless, there is evidence that Franco Americans do not share equally in educational and economic benefits. A 1970 study showed that only 26.9 percent of Franco Americans completed high school and 4.1 percent graduated from college. Approximately 38.6 percent of English-speaking persons graduated from high school and 9.7 percent graduated from college.

Bilingual education is available in some school districts for no more than five consecutive grades. A bill to remove the 5-year restriction was defeated in 1977. There are no vocational bilingual programs.

Unfinished Business

Indians

The Indians' land claims have exacerbated long-standing mistrust, animosity, and misunderstanding between Indian and non-Indian residents of the State. Both deep-seated racism and a lack of knowledge and appreciation for Indian culture have been reported to the Advisory Committee on numerous occasions.

Public education through publications, public forums and other meetings, and more material on Indian history and culture in public school and university curricula are needed to promote understanding between Indians and non-Indians. Equally important is the speedy conclusion of the negotiations on the Indian land claims.

The long-neglected socioeconomic, educational, health, and housing problems of both on-reservation and off-reservation Indians also must be addressed. In its 1974 report, *Federal and State Services and the Maine Indian*, the Advisory Committee cited unemployment rates as high as 60 percent on some reservations, inadequate housing, and serious health needs. These problems were documented again at a hearing held in Boston, Massachusetts, in April 1976, which was sponsored by the Northeastern Regional Office of the U.S. Commission on Civil Rights and the Task Force on Terminated and Non-Federally Recognized Tribes of the Congressional American Indian Policy Review Commission.

As a result of *Passamaquoddy v. Morton*, Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs are now available to many Maine Indians. However, the budgets of these agencies are limited and the bulk of their services will continue to go to reservation Indians in the Southwest and West. It is urgent, therefore, that other Federal departments, and particularly the State government, continue and increase aid to Maine Indians. In no case should State government and other Federal agencies reduce aid to Indians simply because BIA and IHS are now providing some services.

At least half the State's Indians live off-reservation. Most of these Indians are members of the Micmac and Maliseet tribes, which are not eligible for BIA and IHS services because their reservations are located in Canada, across "the white man's border." Establishing a unit on off-reservation Indians within the Maine Department of Indian Affairs was a step in the right direction, but more needs to be done for these Indians, who are among the most disadvantaged.

Franco Americans

Of primary importance is collecting adequate socioeconomic data on this group in the 1980 and subsequent census studies. Once information is available, the Advisory Committee believes it will become clear to most persons that additional bilingual and special remedial programs need to be developed in the schools and that other programs must be established to meet the needs of the Franco American community.

The Maine Advisory Committee has begun this process. In 1977 it conducted a survey on Franco American linguistic and cultural services and programs in institutions of higher education as a first step in determining the State's bilingual educational needs. Additional surveys are currently underway by the U.S. Department of Health, Education, and Welfare and other Federal agencies to confirm the need for expanded bilingual programs.

Further, the Advisory Committee believes that most employers, though not required to do so by current Federal regulations, should include Franco Americans in the work force analysis of their affirmative action plans and should develop specific goals and timetables for this group when necessary. In a review of equal employment opportunity in the banking industry, the Advisory Committee documented the failure of Maine banks to identify Franco Americans as a group.

Women's Rights

In its 1974 statement on the employment of women by State government, the Advisory Committee concluded that "for the women in the State equal employment opportunity remains a promise rather than a fact." In public and private employment systems, as well as in other areas of life, affirmative action plans and new legislation must be translated into concrete gains for women.

Other areas where programs and services for women are needed include increased availability of low-cost or free abortion services, rape prevention and crisis programs, services for battered women, and day care programs. Finally, several women's groups in the State are planning a campaign to pass a State equal rights amendment in order to give momentum to the Federal ERA.

Racism in Maine

Although the black population is small and relatively concentrated, there is evidence that Maine has not escaped the racism which is a part of American society. In fact, the homogeneity of Maine's population supports stereotyping and an ethnocentric outlook toward other groups, which makes it more urgent to educate residents to live in a multiethnic, multicultural world.

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Maryland

Maryland is a State of contrasts and variety, from the western counties in the Appalachians to the southern counties surrounded by the waters of the Chesapeake Bay. Annapolis, the historic port and current capital of the State, once served as the U.S. Capital. Baltimore is one of the country's largest ports and industrial cities.

Approximately 4 million people live in Maryland, nearly half of them within the greater Baltimore area. Another quarter of the State's population resides in Montgomery and Prince George's Counties, adjacent to Washington, D.C. Nearly 700,000 (17.5 percent) of the citizens are black and about 45,000 (1 percent) are of Hispanic origin.

Civil Rights Developments

Maryland became known as the "Free State" in 1669 when religious tolerance became the law and made Maryland the only place in the western world where a citizen was free to practice his or her religion of choice. Maryland is also distinguished as the first Southern State to abolish slavery. Maryland refused to secede from the Union and join the Confederacy. The State has had a long official history of concern with civil rights issues, establishing in 1927 a commission to consider the "welfare of colored people residing in the State." This commission has been in existence ever since and in 1975 had a staff of nearly 60 persons. By 1975 there were also 16 local human relations commissions throughout the State.

Nevertheless, civil rights as mandated by the Constitution and its 14th amendment, as well as by Federal statute, have been reluctantly granted to minority and female citizens of the State. In 1952, according to the Maryland Commission on Human Relations, blacks could sit only in the top balcony of Ford's Theatre in Baltimore; no black could perform on the stage of the Lyric Theatre; no black child could attend a white school; no black could be served in the leading department stores, and it was virtually impossible for a black to purchase a meal or even a cup of coffee in downtown Baltimore.

Segregation of public accommodations was the front on which Maryland waged its early civil rights struggles. Heavy pressure opened the Lyric Theatre to Marian Anderson in January 1954. In 1958 there were only 63 restaurants in the entire State that willingly served blacks. Foreign diplomats were frequently insulted by racial exclusion as late as October 1959. State parks were finally opened to all citizens in 1962 by a court order. Montgomery County and the city of Baltimore adopted open accommodations ordinances in 1961, and a limited State law opened most facilities in 11 of 22 counties and Baltimore in 1963. This act was expanded to cover the entire State in 1971, and as late as 1975 the Maryland Commission on Human Relations received 63 complaints regarding public accommodations discrimination.

Agencies and Organizations

The Urban League, the National Association for the Advancement of Colored People (NAACP), and the Congress for Racial Equality (CORE) have been important private organizations in the civil rights struggle, producing significant leaders at both the State and national levels. The American Friends Service Committee (AFSC), the American Civil Liberties Union (ACLU), and the Baltimore Ministerial Alliance have also been a part of the widespread effort to achieve civil rights in Maryland.

Among the public organizations, the most significant has been the Maryland Commission on Human Relations (MCHR), which also helped to establish active local commissions. The first local commission was established in Montgomery County in 1961 and the second in Baltimore City. Today there are 16 such local commissions.

At the Federal level, the Equal Employment Opportunity Commission, the community action agencies established under the Office of Economic Opportunity, and the Maryland Advisory Committee established by the U.S. Commission on Civil

Rights in 1962 have continued to influence civil rights issues in the State.

The Maryland Commission on the Status of Women was initially created by executive order in July 1965 to study developments and recommend new legislation to protect and guarantee the rights of Maryland women. A second commission was appointed in 1968 and a permanent commission was created by legislative authority in 1971.

Women

Maryland passed an equal pay for equal work law in 1966. In 1972 the commission organized a coalition that helped win passage of the Equal Rights Amendment. The State, through the leadership of the commission and the network of women's organizations, has enacted protective legislation in such areas as employment, credit, abortion, maternity insurance, domestic law, rape, and sex discrimination.

Voting and Political Representation

In 1970 apparent irregularities in voting procedures in Baltimore's Seventh Congressional District provided another example of the resistance to full black participation in community life. Substantial numbers of black voters were prevented from exercising their right to vote because of irregularities which included late opening of polling places, last minute changes of polling places, inoperative voting machines, and incorrect delivery of voting machines to predominantly black precincts. The Maryland Advisory Committee, after investigating the allegations, reported that "as with many other municipal services, the black community was again being treated in a 'second class' manner."

Of 198 individuals representing Maryland citizens in 1976 in the U.S. Senate and House of Representatives and the Maryland Legislature, 17 were black men, 3 were black women, and 16 were white women. Exactly half of the State's delegates to the U.S. House of Representatives were blacks or women; both Senators were white males. The State senate's portion of blacks and women was 14.9 percent, while the portion in the lower house was about 21.3 percent. No racial minorities other than blacks held elective office.

In addition to these offices, many county and local offices were held by minorities and women in 1976. Fourteen women, including one black woman, served on county commissions; two black men held elective office at the county level. At the mayoral level, there were seven black men, one black woman, and four white women. Nearly 100 other municipal offices and judgeships are held by minorities and women throughout the State.

School Desegregation

School desegregation and equal educational opportunity in Maryland has been a continuing issue since 1954. An open enrollment policy was instituted in Baltimore that year. However, changing popular and legal definitions of the issue, the flight of whites from the cities, and continued resistance to desegregated schools have prolonged the process into the late 1970s. School desegregation in the early sixties was said to exist if one or more minority students were enrolled in a white school. Prince George's County finally desegregated under a court order in 1973.

Black teachers and principals frequently found their advancement and opportunities limited and have experienced demotions and layoffs upon the implementation of school desegregation. The Maryland Advisory Committee is currently studying the issue. Equal opportunity in higher education is also an issue far from resolved. Traditional black and white universities and colleges continue to be either black or white.

Employment

In 1964 the Maryland Advisory Committee reported that the lack of equal opportunity in employment for blacks may well have been the decisive factor behind racial tension in Maryland. The Committee pointed out the almost total exclusion of black workers in any phase of government-connected employment except at menial levels. In 1965 the Advisory Committee called upon top State officials to provide decisive leadership by enforcing antidiscrimination laws and giving the Maryland Commission on Interracial Problems and Relations enforcement powers.

Although the city of Baltimore had created its own equal employment opportunity commission in 1956, the agency had no enforcement powers, and efforts to abolish it were made by local business groups. In 1965 a State fair employment practices law was enacted, the same year that the U.S.

Equal Employment Opportunity Commission (EEOC) became operative.

By 1970 the Maryland Commission on Human Relations had established a close working relationship with the Baltimore district of the EEOC. Through this close cooperation, the MCHR processed a greater number of employment complaints than any other State or local agency in the country.

In 1974 the Maryland Advisory Committee, which has monitored employment discrimination practices in the State since 1964, documented discrimination in employment in the construction industry in Baltimore and the continuing lack of equal employment opportunities for minorities.

The most recent development is the passage of legislation in 1977 which provided MCHR with authority to award monetary damages (such as back pay) in cases where discrimination is found. The number of employment discrimination complaints to MCHR continues to grow each year. Twenty-three complaints were received in 1966, 175 in 1969, more than 1,000 in 1972, and more than 2,000 in 1975.

Housing

Housing has continued to be a critical factor in the effort to achieve equality. In 1959 the Maryland Commission on Interracial Problems and Relations reported that the housing industry did not treat blacks as full and equal consumers and accepted racial segregation in housing as normal.

The Maryland Advisory Committee reported in 1961 that the principal problem was mortgage financing. Also, restrictive covenants and real estate practices made it impossible for minorities to find housing in other than all-minority neighborhoods.

In an effort to combat housing discrimination, a cooperative effort of several agencies in 1958 created Baltimore Neighborhoods, Inc. Among its objectives were to maintain stability, to protect neighborhoods against exploitation, and to stimulate open occupancy in the sale and rental of housing.

A law prohibiting discrimination in housing was enacted by the State legislature in 1967, and though limited, it was defeated in a public referendum in November 1968. Another fair housing law was not enacted until 1971.

Rural areas have also been confronted with housing problems. In 1971 the Maryland Advisory Committee reported that low- and moderate-income housing on the upper Eastern Shore was in short supply. Much of the housing was substandard and lacked indoor toilet facilities. "In Kent Narrows," the report stated, "none of the housing occupied by Negroes contains plumbing and indoor toilet facilities." This report highlighted the fact that private owners and public officials alike had ignored the quality of housing in which blacks were forced to live.

During the 1950s and 1960s significant numbers of white residents left the cities and settled in adjacent counties. Mortgage financing institutions assisted this migration by refusing to provide loans in certain inner-city areas. Federal housing programs supported the migration by facilitating suburban development. Montgomery and Prince George's Counties experienced enormous growth as citizens left Washington, D.C.; Baltimore County has been called the classic example of the white noose around a city with a majority black population.

Few of the housing problems experienced in the sixties have been solved for minorities or women. The community relations commission of Baltimore County studied the problem in 1972 and observed many specific instances of covert discrimination in practice. The commission listed 53 recommendations aimed at ensuring fair housing, the last of which reads, "Enforce fair housing laws more strictly."

Unfinished Business

The primary unfinished civil rights business in Maryland is for the white majority to accept the mandate of the U.S. Constitution and the traditions of the Free State, and willingly accord these rights to all citizens of the State.

With the possible exception of public accommodations, all the issues mentioned here are unresolved. Discrimination complaints continue to increase, suggesting that blacks, Hispanics, women, and others still feel the denial of rights which white men take for granted.

The numbers of blacks and women elected to public office are impressive when viewed as gains from a base of zero 20 years ago, but lose lustre when compared with the ideal representation

called for by conditions in the State. Minority and female citizens account for 60 percent of the State's population but only 20 percent of its State and Federal elective positions.

Equal opportunity in higher education is a continuing concern. Discrimination against citizens seeking employment is still deeply entrenched in Maryland despite increases in the strengths and abilities of the agencies monitoring such discrimination.

The appearance of housing discrimination may have changed, but the problem remains one of the most insidious facing minorities.

The Maryland Advisory Committee will continue to monitor and publicize the denial of equal protection of the laws to citizens due to their race, color, religion, national origin, or sex.

During the 15 months from July 1, 1975, until September 30, 1976, Maryland received nearly $1.5 billion in Federal financial assistance. These funds reach into and affect the life of every citizen of Maryland. Section 601 of Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination in programs receiving Federal financial assistance. The Federal monetary contribution to Maryland may represent the key to realizing the ideals of the Free State for all citizens. Every citizen should share in the benefits of that Federal financial assistance equitably.

The Maryland Advisory Committee urges all Maryland organizations and individuals to assure the achievement of full civil rights for all citizens of the Free State.

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Massachusetts

In recent years the population profile of Massachusetts has changed dramatically. According to the 1970 census, Massachusetts had a population of 5,689,170. Of those, 175,817 (3.1 percent) were black, 64,860 (1.1 percent) were Hispanic, 20,766 (0.4 percent) were Asian American, and 4,475 were American Indians. A total of 2,969,772 were women.

Official and private sources estimated the total population in 1976 to be 5,829,000. The black population had grown to almost 4 percent largely because of immigration from the Caribbean countries and Cape Verde Islands; the Hispanic population increased to 1.4 percent and the members of other minority groups to 0.4 percent. As the numbers of minorities in Massachusetts have increased, opposition to them has intensified.

Boston is the State's capital and largest city. In 1970, it ranked 16th nationally in population size and 5th in density of population. From 1960 to 1970 the black population rose from 63,165 to 105,000, the third greatest increase of blacks in the country. In 1970, Boston ranked 13th in its Hispanic population. Blacks, Hispanics, and Asian Americans continue to move to the city. More than one third of Boston's population is foreign born.

Worcester is the second-largest city, and like Springfield and New Bedford, has growing minority populations. In New Bedford approximately 40 percent of the population is estimated to be of Portuguese extraction. The Portuguese community includes black Cape Verdeans and whites from the Azores. Many Cape Verdeans were misrepresented in the 1970 census because the Portuguese-speaking community was generally listed as white.

The Hispanic community is the fastest growing ethnic group in the State. In addition to Puerto Ricans, there are also sizable communities of Cubans, Dominicans, and Central and South Americans. Unlike blacks, who tend to be concentrated in a few urban areas, increasing numbers of Hispanics are located in numerous smaller and medium-sized communities, as well as the larger cities.

In 1975, according to the Massachusetts Employment Security Commission, the State had an unemployment rate of 11.2 percent. Blacks had the highest unemployment rate of any single minority group with 20.6 percent. The unemployment rate for Hispanics was 15.5 percent. For other minority groups the rate was 13.1 percent, and for women it was 12 percent. By 1977, because of a new method of computing such statistics, the unemployment rate for the State as a whole had fallen to 7 percent. However, persons in the State estimated that the unemployment rate continued to be unconscionably high for specific minority groups such as black and Hispanic youths, approximately 30 percent and 20 percent, respectively.

The median annual income of minority groups in Massachusetts continues to be approximately one-third less than that of whites. In Boston, in 1970 the median income for white families was $9,133; 13.8 percent of white families received public assistance and 11.7 percent earned below the poverty level. The median income for black families was $6,346. Approximately 31.7 percent of black families received public assistance and 25.3 percent earned below the poverty level. The median income for Puerto Rican families was $5,857. A total of 30.8 percent earned less than the poverty level. Many of the problems of Puerto Ricans in Boston and Springfield were documented in a report, *Issues of Concern to Puerto Ricans in Boston and Springfield*, issued by the Massachusetts Advisory Committee in February 1972.

Civil Rights Developments

Enforcement

State government has continued to play a role in many areas of civil rights. Local government, particularly the small units such as counties and towns, have made few gains.

The Massachusetts Commission Against Discrimination (MCAD), which was created in 1946, is the major civil rights enforcement agency in the State. Its jurisdiction, which has been expanded considerably since the commission was created in 1946, includes discrimination on the basis of race, color, creed, national origin, physical and mental handicap, and sex.

The commission was reorganized in 1976 and three full-time, salaried commissioners were appointed in place of four part-time commissioners in order to strengthen the agency. One of the new commissioners is Alex Rodriguez, a member of the Massachusetts Advisory Committee.

The Massachusetts Commission on the Status of Women was created by executive order in 1971. This commission, which had a budget of $28,600 in 1977, conducts educational programs and studies on major issues of concern to women. As of July 1977 it was composed of 40 female commissioners appointed by the Governor. It has no enforcement powers.

The Massachusetts Commission on Indian Affairs was created by legislation in 1974. This commission is composed of seven members all of whom must be Indian. Its jurisdiction includes investigating problems of Indians in the State, providing assistance to the tribal councils and Indian organizations, and advising State government on Indian affairs. Indian groups have charged that the commission is understaffed and underfunded.

The State legislature also has taken several steps in the area of education. Of greatest significance is the State's Racial Imbalance Act of 1965 mandating all public schools within the State to be racially balanced. In the face of mounting opposition by antibusing forces, this act was amended in 1977 by chapter 631 which no longer requires racial balance to be established but permits black students to transfer from majority black to majority white schools in another part of the city.

In June 1976 Governor Michael Dukakis issued an executive order delineating the State government's relations with Indian groups. The order established the Boston Indian Council as the State's liaison with the Wabanaki, increased the authority of the commission on Indian affairs, and gave the Mashpee and Gay Head tribal councils policymaking power over the last Wampanoag reservation in the State.

In addition, other executive orders established an office of minority business enterprise in May 1972 and a commission on the rights of the disabled in November 1974. In August 1977 Governor Dukakis issued executive order no. 137 creating the Governor's Advisory Council on Puerto Rican and Hispanic Affairs to advise on problems confronting the State's Hispanics.

Public Employment

Two other executive orders are of significance—executive orders nos. 74 and 116, which require affirmative action in the hiring and promoting of minorities and women. The orders, which resemble orders in the previous administration, require all State departments to develop an affirmative action plan with written goals and timetables and to take other steps to promote equality of employment opportunity.

For a number of years the Advisory Committee has vigorously pursued the cause of equal employment opportunity in State employment. The first executive orders on this subject were issued after an Advisory Committee study of affirmative action in State government which included a major public hearing in Boston in June 1974. The Advisory Committee has continued to evaluate State performance including meetings and correspondence with the Governor and other officials and the issuance of periodic statements.

In 1976 the Advisory Committee expanded its work to county and local governments in southeastern Massachusetts. Onsite assessments of the affirmative action postures of Bristol, Barnstable, and Plymouth Counties and, in part as a direct result of this review, Barnstable County issued an executive order requiring affirmative action in county government in June 1977.

In 1972 the NAACP filed suit in the Federal district court in Boston alleging discrimination in the State's procedure for selecting police and fire officers for State and local governments (*Boston Chapter N.A.A.C.P. v. Nancy Beecher*). In 1973 the U.S. Department of Justice filed a similar suit against the city of Boston (*United States of America v. the City of Boston*). In both instances the Federal court ordered that minority and nonminority candidates be selected on a one-to-one basis.

EEO in the Construction Industry

Recent advances in affirmative action also took place in certain publicly financed construction projects. The Advisory Committee called for an areawide plan in Boston for increasing minority participation in jobs in the construction industry. In 1970 informal hearings were held in Boston to document the underrepresentation of minorities in the skilled trades and to explore various remedial programs. The Boston Federal Executive Board (FEB) was enlisted to aid in convincing the U.S. Department of Labor to order a Boston plan.

After a succession of Boston plans proved ineffective in significantly increasing nonwhite workers on construction jobs, the minority community petitioned State and local governments for specific minority set-asides in public construction contracts. The State has accepted the minority organizations' goal of 50 percent minority work forces on construction sites located in the minority community and 30 percent elsewhere in the Boston area. The signing of the Boston State College contract in 1976 with a specific minority set-aside for workers and subcontractors represented a significant step in the long struggle for equal employment opportunities in the construction industry.

Education

In 1965 the State board of education ordered the Boston School Committee to implement the Racial Imbalance Law. A long and complicated series of court battles followed, in which Federal District Judge W. Arthur Garrity, Jr., found in *Morgan v. Hennigan* that the school committee had deliberately maintained a dual school system for white and black students.

Phase I of the court-ordered desegregation plan went into effect in September 1974, affecting approximately 80 of the city's 200 schools. Phase I saw an outbreak of violence and disorder in South Boston and other areas of the city; in a few short weeks Boston became known as the "hate capital" of the North. Phase II, which went into effect in the following year, created 8 community school districts and a citywide district with 22 magnet schools. Charlestown, for the first time, was included in the desegregation plan, but East Boston, a major area of the city, was excluded. Phase IIB went into effect in the fall of 1976 and resulted in only minor changes, as Judge Garrity indicated that he wanted to provide a period of stability.

In July 1974 the State legislature amended the Racial Imbalance Law with chapter 636. It provided funds for magnet programs and schools and for educational programs in desegregating school districts. In addition, it provided for the reimbursement of suburban school districts for per pupil and transportation costs for the approximately 3,000 minority students who attend desegregated suburban schools under the METCO program. Finally, chapter 636 reimburses school districts for transportation of students when such movement reduces racial imbalance in a school.

Another important action by the legislature was the enactment of chapter 622 in 1971. This law prohibits discrimination on the basis of race, color, sex, religion, or national origin in admission to public schools and school programs and courses. Its major impact has been in the area of sex discrimination.

School desegregation in Boston and Springfield became an item of the highest priority for the Massachusetts Advisory Committee. In 1974, because of the continued unrest in the schools and a growing awareness that local, State, and Federal Governments were not prepared to deal with the crisis, the Advisory Committee took a number of steps. First, it expanded its membership by adding persons who were knowledgeable on the subject; it sought information in the schools and neighborhoods and established liaison with public and private agencies; and finally, it urged the U.S. Commission on Civil Rights to hold a major public hearing in the city.

The Commission held a 5-day public hearing in Boston in June 1975 at which over 100 witnesses representing a wide spectrum of views testified. In its report, *Desegregating Boston's Public Schools—A Crisis in Civic Responsibility*, the Commission called for increased Federal presence, including the assignment of FBI agents and Federal marshals for the opening of school in the fall of 1975. The presence of large numbers of Federal law enforcement officers on the streets of Boston was the major factor in the relatively peaceful opening of the schools under Phase II. In addition, the Commission recommended many other steps including placing the Boston school system under receivership if the Boston School Committee failed

tensions and unresolved issues—Indians land claims on the Cape, school desegregation in Boston, and the condition of Hispanics in Worcester. No attempt will be made to cite all of the civil rights deficiencies of the State, but the following are those which the Massachusetts Advisory Committee singles out for attention.

Education

While violence was kept to a minimum in the 1976–77 school year in Boston, the absence of violence is hardly an indication that the school system is providing quality, desegregated education. The achievement of this goal remains an important item on the agenda of unfinished business.

As Judge Garrity gradually withdraws from administering the school system and returns control to the Boston School Committee, the role of parents and citizens becomes increasingly crucial. The attempt on the part of the minority community to increase its representation on the all-white school committee by having the courts require district rather than at-large elections met with failure. Nonetheless, the extensive network of citizen and parental committees created by Judge Garrity—racial-ethnic parent councils at local schools, district level advisory committees (CDAC), the citywide parent advisory council (CPAC)—has greatly increased parental involvement, both black and white. In addition, the universities and the business community have become involved with the schools. At this juncture, continued and increased parental and community participation in the school system needs to be assured as the best guarantee that Boston's public schools will move steadily toward quality, integrated education.

The need to identify and provide services for the growing number of Hispanic and other non-English-speaking students remains a major concern in Boston and other cities in the State. A particular problem is the increasing dispersion of bilingual programs and the failure of many school systems to identify and classify Hispanic students properly.

Finally the underrepresentation of minority teachers and administrators in the Boston public schools and throughout the State should be corrected.

Employment

The unfinished business of public employment is to ensure that the mechanisms created in the 1970s for equal employment opportunities are maintained and strengthened, so that gains made are not wiped out in periods of relatively little hiring and retrenchment. This becomes increasingly important in the face of growing attacks on the concept of affirmative action.

However, smaller governmental units (counties, towns, and cities) for the most part have done very little to establish mechanisms for affirmative action. Pressure must be applied to these public employers to improve equal employment opportunity.

Many jobs have been created by Federal money under programs such as General Revenue Sharing, Comprehensive Education and Training Act, Community Development Act (CDA), and the Emergency Public Works Act (EPA). These jobs, which are covered by Federal nondiscrimination and affirmative action requirements also should be monitored. Of particular concern to the Advisory Committee is the failure of the U.S. Department of Housing and Urban Development (HUD) to ensure civil rights compliance in the CDA block grant program. After careful study, the MCAD has called for the disapproval of the Boston, New Bedford, and Lynn programs, but HUD has been unresponsive. In the area of private employment, one problem, highlighted in the Advisory Committee's study *Route 128: Boston's Road to Segregation*, is the movement of jobs from the inner city where minorities live to the suburbs where minorities, especially workers, have difficulty finding housing. Also, more attention needs to be directed to private employers who contract with government at all levels. Existing contract compliance programs are grossly inadequate.

Housing

The old concept of massive public housing projects for the poor has been thoroughly discredited, but the need for decent housing for those at the bottom of the economic ladder remains. The Advisory Committee's report on Route 128 documents how hundreds of local public officials in scores of suburban communities have effectively blocked the construction of small, garden-type public housing. On the other hand, the develop-

to take affirmative steps to implement the court's orders. This recommendation was implemented, in part, by Judge Garrity, who placed South Boston High School and the school committee's desegregation planning office under receivership.

In January 1976, at the request of the Commission, the Advisory Committee conducted a study to determine the degree to which the Commission's 71 recommendations had been implemented and reported that most had been implemented in full or in part.

During Phase II the Advisory Committee held three meetings with business, religious, and social service leaders of the city to discuss the Commission's report and to urge action by these segments of the community.

In March 1976 the Advisory Committee held an all-day conference of Catholic, Protestant, and Jewish religious and lay leaders to discuss school desegregation and to explore methods of implementing the Commission's recommendations. More than 800 participants attended the March 22 session which was cosponsored by a planning committee of religious and lay leaders. Since then, the Advisory Committee has continued to monitor the Boston public school situation.

In Springfield, the Advisory Committee collected data and interviewed public officials, school department staff, parents, and students to analyze the successes and failures of the desegregation of the public elementary schools. A report entitled *The Six-District Plan: The Desegregation of the Springfield, Mass., Public Elementary Schools* was issued in March 1976. The report contrasted the roles played by political leaders and public officials in that city with actions taken in Boston.

Housing

Modest gains have been made in private housing due to the enactment of Federal and State fair housing laws, the vigilance of fair housing groups, and the fact that more minorities earn enough to compete for better housing. While most suburban communities have a few token minority families, most blacks and Puerto Ricans are still locked into inner-city neighborhoods and the suburbs remain virtually all white. Massachusetts' "anti-snob zoning law," one of the first in the Nation, represents progress in this field even though to date its impact on residential housing patterns has been negligible.

The Advisory Committee studied the problem of segregated housing patterns in metropolitan Boston in the early 1970s and issued a report in conjunction with the Massachusetts Commission against Discrimination in January 1975. This report, *Route 128: Boston's Road to Segregation*, concluded that blacks pay "proportionately more for poorer quality housing" than whites. Citing exclusionary zoning practices, the failure of many low- and moderate-income housing programs, and inadequate transportation as factors contributing to segregated housing, the report laid much of the blame on suburban public officials, State and Federal officials who failed to enforce existing fair housing legislation, and State and Federal agencies which failed to use available funds to integrate the suburbs.

Women's Issues

In 1972 the Massachusetts Legislature was among the first in the Nation to ratify the Federal Equal Rights Amendment (ERA). In 1976, after an intensive campaign by women's groups and others, the voters in a referendum added to the State constitution an ERA which prohibited discrimination on the basis of sex, race, color, creed, and national origin. The Advisory Committee widely circulated its analysis of the proposal and carried out programs to educate the public on the issues.

Other gains included the following legislation:

- Chapter 168 of the acts of 1973 prohibits discrimination based on sex or marital status in the furnishing of credit and other services by banks and financial institutions;
- Chapter 848 of the acts of 1974 provides income tax deductions for child care and independent care costs incurred by working parents;
- Chapter 698 of the acts of 1975 establishes no fault divorce;
- Chapter 582 of the acts of 1973 permits mothers of children under 16 to serve on juries.

Unfinished Business

While school desegregation and the racism which has surrounded the subject have been the primary concern of civil rights groups in Boston and other parts of Massachusetts, this is only one part of the unfinished business of civil rights in the Commonwealth. Throughout the State there are

ment of the southwest corridor in Boston, with the full participation of inner-city residents through the Southwest Corridor Coalition, is an example for urban planners to study. The development of low- and moderate-cost housing open to all persons, with appropriate neighborhood facilities and with the full participation of inner-city residents, in both the city and its suburbs, is a critical area of unfinished business.

Women's Rights

Employment remains a major concern. For the most part, the affirmative action plans are in place. The challenge now is to translate policies on paper to jobs for women. In so doing care must be exercised to ensure that black, Hispanic, and other minority women participate fully in the gains. Low-income women require adequate child care facilities to permit them to enter the labor market.

While some beginnings have been made in the city of Boston, the rest of the State has done very little toward meeting the needs of battered women and providing rape prevention and treatment programs, and low-cost or free abortion services for indigent women.

Hispanic Americans

One area requiring urgent attention is relations between the police department and the Hispanic community in a number of cities. Springfield and Worcester have recently had serious incidents. The Advisory Committee has studied confrontations between the police and the black community in New Bedford and published its recommendations in the report *Police-Community Relations in New Bedford*. In almost every other area—employment, housing, education, health, and welfare—the Hispanic community has special needs which should be recognized and addressed.

In the area of State government, the Northeastern Regional Office of the Commission on Civil Rights began working with the State registrar's office to include an Hispanic identifier on its vital statistics records. Many in the State feel that this is particularly important in order to document accurately the growing Hispanic community in the State.

American Indians

As a result in part of the growing movement of non-federally-recognized Indians in the northeast and the success of the Penobscot and Passamaquoddy tribes in Maine, Indians throughout the State have organized in the past 10 years. Of particular significance is the claim of Wampanoag Indians to considerable land in the town of Mashpee on Cape Cod. With title to much of the land being questioned, the suit has had serious effects on real estate transactions in the town and tied up Federal public works and other funds.

As a result of their suit, Indians allege, relations between the Indian and non-Indian communities have deteriorated. The Wampanoags say that members of their tribe have been harassed and fired from their jobs; the Wampanoag woman who served for many years as director of the Indian museum has been fired and a white woman hired in her place.

The Rest of the Iceberg

Because of its limited resources, the Advisory Committee has been unable to study and comment on a whole range of issues—among them are racism and sexism in textbooks and curricular materials, ineffective affirmative action plans in private industry, welfare and economic security issues, health services for minorities and women, problems of the aging, and discrimination on the basis of sexual orientation. Recognizing as we do that the battle for full civil rights for all persons is a never-ending struggle, the Advisory Committee, proud of its past accomplishments, looks forward to a future of more effective work in the field of civil rights.

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Michigan

Michigan gained just over a million people between 1960 and 1970. The 1970 census put the population at 8,875,083. Nearly 1 million (11.2 percent) were black; 120,637 (1.4 percent) were Hispanic; 16,854 (0.2 percent) were American Indians; and 14,285 (0.16 percent) were Asian Americans.

The minority population has been increasing. Between 1960 and 1970, the black population recorded a 38.1 percent gain. The American Indian population increased 73.7 percent and Asian Americans grew 88.5 percent.

The State is divided geographically by the Upper and Lower Peninsulas, but the majority of both the population and industry is located in the Lower Peninsula. Ninety percent of Michigan's industry is concentrated in the southern portion of the Lower Peninsula.

Minorities, especially Indians, and the general population of the Upper Peninsula do not have a labor market that reflects the same economic activity as the rest of the State. Unemployment in Upper Peninsula counties is generally well over 15 percent, with the rate for Indians at least double that of the general population.

The Detroit Standard Metropolitan Statistical Area (SMSA) has the highest concentration of minorities in the State with 19 percent of the total minority population. In the city of Detroit, minority concentration is even higher. For example, minorities in the city are 41.3 percent of the labor force.

Based on a Michigan State University research report, Detroit officials have accused the U.S. Bureau of Labor Statistics of producing significantly distorted unemployment figures for the city of Detroit, and by implication, for other large cities. The report claims to find a 33 percent unemployment rate in Detroit overall in February 1977, with inner-city areas over 40 percent.

State controls on local finance are very stringent in Michigan, and the city of Detroit has been reducing its work force significantly for some time. City services are decreasing and Detroit population has declined, according to State demographers in the civil rights field.

New Detroit, Inc., founded in 1967 following the urban unrest in that city, is a coalition of business, labor, government, and other civic groups. It is a privately-funded organization which attempts to deal with a diverse range of social concerns in Detroit, such as education, employment, community development, public safety, health, and welfare. The officers include such noted people as Henry Ford II, Thomas A. Murphy, and Leonard Woodcock.

Civil Rights Developments

Enforcement

Michigan has a long history of State legislation in civil rights. For example, Michigan's 1867 statute prohibiting discrimination in schools was upheld by the Michigan Supreme Court in 1869 when it ruled that resident children have an equal right to public education without exclusion because of race, color, or religion. In 1885 the State legislature established the civil rights of all Michigan citizens to the use of all places of public accommodation.

In 1955 Michigan enacted a Fair Employment Practices Act. In 1963 the State established the Michigan Civil Rights Commission charged with specific authority "to investigate alleged discrimination against any person because of race, color, religion, or national origin in the enjoyment of the civil rights guaranteed by law and by constitution, and to secure protection of such civil rights." In 1968 the Michigan Fair Housing Act was passed.

On December 2, 1975, after considerable urging by the Michigan Civil Rights Commission, Governor William G. Milliken directed the Michigan Department of Civil Rights to monitor all grants coming to and through the State to ensure that no funds be used to create or perpetuate patterns of discrimination. Executive directive no. 1975–6 ef-

fectively assigns the department of civil rights monitoring and contract compliance authority over all federally-funded programs which pass through the State government to local communities, State agencies, and individual State institutions. The department has drafted statewide regulations and is working toward analogous orders covering general revenue sharing and HUD funds.

After 3 years and seven drafts, the State of Michigan passed into law a comprehensive civil rights act. The new law, which was signed by Governor Milliken on January 13, 1977, took effect on April 1, 1977, and consolidates the State's present civil rights laws and expands its protection to forbid sex discrimination in education and discrimination in public accommodations.

Under the new law, employment discrimination based on race, religion, color, national origin, age, sex, height, weight, or marital status; housing discrimination based on race, religion, color, national origin, age, sex, marital status, or handicap; education discrimination based on race, sex, religion, color, or national origin; and discrimination in access to public accommodations and public services based on race, religion, color, national origin, sex, age, or marital status are prohibited.

Civil Rights for the Handicapped

The Michigan Handicappers' Civil Rights Act was passed in July 1976. The act defines the civil rights of individuals who have handicaps and prohibits discriminatory practices, policies, and customs in the exercise of those rights. The act is administered by the Michigan Civil Rights Commission and covers employment, education, housing, public accommodations, and public services discrimination.

School Desegregation

Several major Michigan cities have found themselves in court on the issue of school desegregation. As a result of *Bradley v. Milliken*, Detroit finally implemented a "Detroit-only" desegregation plan in January 1976. In spite of the long and difficult process of the court suit, the actual implementation of the plan was peaceful and orderly, although problems remain in program areas.

The city of Pontiac experienced considerable community unrest during the early 1970s because of school desegregation controversies. Kalamazoo and Lansing were more successful at orderly implementation of their plans. All of these jurisdictions were subjects of Federal court action on school desegregation in 1972 and 1973. Flint and Grand Rapids continue to litigate over school desegregation plans.

Federal Programs

In 1973 the Michigan Advisory Committee and the Institute for Community Development at Michigan State University sponsored "An Assembly for Action on Revenue Sharing." The assembly attempted to provide information on revenue sharing and a basic understanding of the operation of State and local governments to strengthen the capacity of local community groups to influence decisions. This activity resulted in the formation of a number of local coalitions on revenue sharing and on a statewide communication network to track revenue sharing expenditures within the State.

The Michigan Advisory Committee has completed three phases of its community development monitoring project. The project began in February 1975 with a hearing in Livonia, focusing on suburbs' responsibilities under the 1974 Housing Act to provide units for nonresident workers who may wish to live there. The project continued with a June 1975 hearing in Lansing covering the civil rights implications of the phaseout of Model Cities programs in 10 Michigan municipalities. The third phase began in fall 1975 and included the November Sault Ste. Marie hearing focusing on apparent unequal distribution of municipal services to American Indians.

The Livonia report was issued in June 1975 and has had a significant effect as part of a national effort to strengthen HUD regulations under the 1974 act. The Model Cities report was released in June 1976. It clarified the need for further improvement of both the act and the regulations.

The Sault report released in November 1976 was of significant help in the current Federal suit on behalf of American Indians against the city of Sault Ste. Marie. The Sault project also had several immediate results for the Indian community in that city. A vitally needed sanitary sewer was constructed and Housing and Community Development funds assisted in the payment of the city's assessments for the work, providing reha-

bilitation money for the hookup to homes and the installation of indoor plumbing. Other municipal services and improvements are planned for the area. A fourth phase of the project is planned, focusing on HUD's implementation of the 1974 act.

A recently filed Federal civil rights suit against the suburb of Livonia for alleged noncompliance with provisions of the 1974 Housing Act is the second active Federal lawsuit resulting from the Michigan Committee's 2-year housing and community development project. The Detroit-area Coalition for Block Grant Compliance filed the suit, stemming from HUD's August 1976 approval of Livonia's recent block grant application even though the all-white suburb had failed to make provision to meet the needs of persons "expected to reside" in its housing assistance plan, as required by the act. The other suit is against the city of Sault Ste. Marie, on behalf of local American Indians, alleging racially motivated, discriminatory provision of municipal services in that community.

Three Federal agencies (HUD, the Economic Development Administration, and the Department of Justice) are currently reviewing Sault Ste. Marie's degree of compliance with Title VI, and these reviews may be conducted jointly. All three volumes of reports published by the Michigan Advisory Committee based on its study were referred to in the Advisory Committee's congressional testimony delivered in August 1976 before the Committee on Banking, Housing, and Urban Affairs.

The Michigan Advisory Committee also presented testimony on the Local Public Works program of the Economic Development Administration in February 1977 based on a staff analysis of the racial impact of $158 million in grants under that program made in Michigan. Testimony before the Subcommittee on Economic Development of the House Committee on Public Works and Transportation was used by the Congressional Black Caucus to press for additions to the Public Works Act which would require a more suitable distribution of such funds and the monitoring of their effects by the Economic Development Administration.

Unfinished Business

The *Final Report of the Governor's Task Force on Redlining* was released in Michigan in December 1976. After reviewing available literature, experiences, and proposals of other States, and data from neighborhood associations, representatives of the financial industry, local government officials, organized labor, HUD, the NAACP, and others, the task force offered several short-term and long-term recommendations. Among the short-term recommendations were the following:

- Forbidding lenders from using geographic location, racial, or ethnic makeup of a neighborhood, or age of structures as criteria in determining eligibility;
- Requiring lending agencies to provide written reasons as to why an application is denied;
- Establishing local mortgage review boards to investigate complaints, seek voluntary resolution of complaints, and recommend appropriate administrative action;
- Establishing an advisory group to formulate rules governing appraisal practices; and
- Establishing a pool of high risk investments to be shared by lending institutions.

Among the long-term recommendations were:

- Establishing a State department of community development to create an overall urban development strategy in Michigan;
- Establishing a bureau of neighborhood services within that department to assist local groups in their attempts to preserve their neighborhoods; and
- Developing a rehabilitation grant and loan program.

In part as a result of the task force's work, a statewide, antiredlining coalition has been formed and local coalitions have been organized in Lansing and Saginaw.

A bill outlawing discriminatory redlining is currently working its way through the urban affairs committee of the Michigan House of Representatives.

Another significant issue is the question of disbursement of General Revenue Sharing funds to cities such as Detroit. The present rule that cities may only receive 145 percent of their per capita formula allotment is seen as probably less than half of an adequate amount for Detroit. Coupled

with the lack of effective public jobs legislation, the revenue sharing problem is seen as leading to "irreparable damage to minorities in the center cities where they still live."

A preliminary assessment of allegations of violations of rights of American Indians in the Traverse City area has led members of the assessment team to conclude that there was no systematic pattern of discrimination or misuse of Federal funds, although individual cases of discrimination do exist. The Advisory Committee will meet in the Traverse City area to discuss with the Indian community its need for technical assistance and for assistance to improve documentation of the various allegations of civil rights violations. The Advisory Committee will monitor the issues raised with both State and Federal agencies.

The Michigan Advisory Committee is planning a statewide hearing on the racial effect of the use of Community Development Block Grant funds in Michigan. The hearing will also address the effects of such spending on women and handicapped persons. Top priority cities to be examined are those covered in the Committee's Model Cities report of July 1976, but the Committee will also cover, if possible, other cities receiving block grant funds which have significant minority populations.

The fact that laws exist does not mean that rights are secure. Detroit's bitter civil disturbances of the mid-sixties, the disparity of economic well-being between minorities and whites, and the large number of civil rights issues being litigated in Federal and State courts attest to the fact that Michigan still must go far to achieve equality of opportunity for all its residents.

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Minnesota

Minnesota is the 12th largest State in the Union. The State is sparsely populated with an average of 48 people per square mile, compared to a national average of 58 people per square mile. The total population in 1970 was slightly less than 3.9 million; 98 percent were white. The remaining population included 35,000 blacks, 23,000 Indians, and 11,000 others.

Like many other Midwestern States, Minnesota has attracted a large number of migrants to its agricultural areas. Some 1,800 settle every year in the Minneapolis-St. Paul metropolitan area. It is estimated that Hispanics in Minnesota have increased at a rate more than 1.5 times the national average.

Minnesota ranks 10th among the States in terms of its American Indian population. Based on census figures, during the 1960s the Indian population increased 49 percent—from 15,496 in 1960 to 23,128 in 1970. Like the figures for Hispanics, there is a sizeable undercount of the Indian people.

Population in the State increased 11.5 percent between 1960 and 1970, with the minority population increasing 57 percent and the white population 11 percent. The white population inside central cities followed a national pattern in declining by 6 percent during the 10-year period while the minority population within cities grew 50 percent.

Civil Rights Development

Education

Minnesota has not been without problems of discrimination and racial differences even though its minority population is very small. In 1966 and 1967, blacks in Minneapolis demonstrated their displeasure with their circumstances. As a result, minorities along with community and civic leaders, formed the first national chapter of the Urban Coalition to deal with these issues and problems.

The Minnesota Human Rights Commission was established in 1967 to administer and enforce the Minnesota Human Rights Act. In 1968 the department recorded a total of 421 charges. The department recorded a total of 2,011 charges for the 1975–76 year. More than 29 percent of the charges were based on race and color while 39 percent dealt with sex discrimination. Three out of every four charges filed with the department were allegations of employment discrimination, and about 10 percent were housing complaints.

School Desegregation in Minneapolis: Booker v. Special School District

The school desegregation process began in 1967 when the board of education adopted its first human relations guidelines and announced a voluntary urban transfer program. In 1970 the State issued desegregation guidelines which set a 30 percent ceiling for minority student enrollments. In April 1971, Minneapolis schools were found out of compliance with State guidelines. As a result, the State ordered the district to develop a desegregation plan. The following August a lawsuit was filed in Federal district court charging the district with *de jure* segregation of students and faculty. The court found unlawful segregation and mandated implementation of a board of education-designed plan with provision for semiannual reports to the court on the district's progress.

The 1972 plan has been virtually completed but the court continues to retain jurisdiction and to require periodic adjustments in the plan to bring the shifting student population of each school into compliance with the court-ordered ceilings on minority enrollment.

The Minnesota Advisory Committee held hearings on school desegregation in Minneapolis as part of the Commission's national school desegregation project.

The Minneapolis desegregation plan has, in a number of instances, achieved its goal of physical redistribution of students so that no school has more than 42 percent minority enrollment. Some schools in the district, however, have failed to maintain that ceiling and continue to have minority enrollments above the 42 percent figure. The integration portion of the plan has not yet been

fully implemented and has not met the original expectations of the plan.

The Minneaplis school desegregation plan overlooks the possibility that all-white or nearly all-white schools constitute a segregated situation. Some schools in the district have enrollments of 97 percent or more white students.

Since the Minneapolis desegregation plan was put into effect, there has been vocal opposition from some segments of the community. Incidents of physical disruption and violence were minimal, however, owing to the basic acceptance of law and order by the community. The lack of physical violence should not be used as a measure of a lack of opposition to the desegregation plan.

Various elements of the community—the school board, school administration, school superintendent, teachers, business leaders, religious leaders, some parents, and the media—have been supportive of the desegregation efforts.

The Minnesota General Assembly passed a bilingual education bill which was signed by the Governor on May 27, 1977. The State department of education will administer the $550,000 that was appropriated for the legislation.

Women's Rights

The U.S. Court of Appeals for the Eighth Circuit struck down the heart of the Minnesota abortion statute which stated that a fetus is "potentially viable" during the second half of its gestation period (*Felder v. U.S.*, September 1976). This statute was struck down because its assumption that viability occurs at the end of the 20th week is inconsistent with Supreme Court opinions that place the earliest point of viability at the 24th week. The court also struck down a provision that allowed public hospitals to refuse to make their facilities available for abortion. This aspect of the decision was nullified by the recent Supreme Court decision in *Poeker v. Doe*, (June 20, 1977) which held that public hospitals may deny women elective abortions.

The Minnesota Legislature passed two bills in the 1975–76 session that amended and repealed certain sections of the Minnesota Human Rights Act (Minnesota Statutes, Chapter 313). Bill 1940 established a legislative commission on the economic status of women in Minnesota. Provisions for a division on women's affairs within the department of human rights and a committee on women's affiars to advise and assist the commissioner of human rights were repealed.

Bill 840 changed certain enforcement procedures prescribed in the Human Rights Act. The bill altered the procedure to initiate civil action to enforce the Minnesota Human Rights Act. The bill also repealed the review panel procedure whereby a charging party may appeal a determination of no probable cause within 15 days after the service of an order dismissing a charge. It provided that the charging party may request that the commissioner reconsider the determination.

On July 8, 1974, the State issued a series of regulations entitled "Guidelines for Eliminating Sex Discrimination in Elementary, Junior and Senior High Schools." Since then opportunities in athletics have increased widely throughout the State for young women.

Affirmative Action in Employment

In September 1975 the department of human rights issued a probable cause finding against the Minneapolis Civil Service Commission alleging that the commission had operated a system that had denied equal employment opportunities to persons on the basis of race, sex, and color. The agreement reached through conciliation affected all departments of the city and called for a results-oriented recruitment program and the elimination of non-job-related selection, promotion, transfer, and termination criteria.

Four Duluth policewomen received $12,000 in back wages as a result of discriminatory employment practices suit. One policewomen had not been permitted to take a promotional test for the sergeant's position even though she had 7 years experience. The hearing examiner ordered the city of Duluth to eliminate the differences in rates of pay between policewomen and policemen in its juvenile aid bureau.

American Indians

The Minnesota Advisory Committee's study of urban Indians in the Twin Cities was released in January 1975. A 6-month investigation culminated in an informal hearing which examined the services of various Twin Cities institutions to American Indians in the area of employment, education, administration of justice, and health care.

The Advisory Committee concluded that the Indian community "is small enough so that its problems are manageable, given a positive response from government institutions." However, that has not been the case. Two years later the Committee held a hearing in Minneapolis focusing its investigation on two areas: education and employment. The Advisory Committee found that many of the same problems continue to plague the Indian community. However, some favorable changes were uncovered and there are indications of progress.

Unfinished Business

School Desegregation

The Minnesota Advisory Committee will continue to monitor the desegregation plan in the Minneapolis school system. Although the desegregation plan is being implemented, the court continues to retain jurisdiction.

American Indians in the Twin Cities

The Minnesota Advisory Committee will continue to monitor the actions of Federal, State, and local agencies regarding the problems of American Indians in the Twin Cities. It also plans to conduct a second mini-hearing which will focus on the administration of justice and health care.

The Minnesota Advisory Committee became aware of a situation involving the operation of the Bizindum Indian Alternative Education Program in Duluth. The Bizindum School, which serves junior and senior students, was operated by the Duluth Indian Council. The school admitted only Indians and was considered virtually a private school, although the Duluth public schools did supply a special teacher and some other minimal support. The students, technically, were considered enrolled at Duluth public schools and were counted for purposes of State aid.

On February 12, 1977, the Advisory Committee adopted a resolution in response to the Duluth Indian Alternative Program. It held that Indian alternative education programs operated by public school districts on an open enrollment basis do not violate Federal laws and policies. The Indian community is concerned that unless there is a clear determination that such schools do not violate desegregation laws, the Bizindum school will be forced to close. The Advisory Committee will pursue this issue until a final determination is made on this matter by State and Federal agencies.

Police-Community Relations

In recent years there have been a number of killings by police of unarmed citizens. Serious questions have been raised about the behavior of police in many communities throughout the State. The Minnesota Advisory Committee has conducted a preliminary investigation of some of these incidents and may begin a comprehensive investigation of police-community relations in the State.

Minnesota Advisory Committee Members

Lupe Lopez, *Chairperson*
Greg Barron
Jeanne V. Cooper
Robert Dodor
Gloria Kumagai
Ruth A. Myers
John Taborn

Mississippi

Mississippi has changed since the bodies of three young people who had worked to register Neshoba County voters were unearthed from a drainage ditch 13 years ago. The Mississippi Advisory Committee to the U.S. Commission on Civil Rights believes that Federal courts and Federal laws have provided the impetus behind these advances.

However, the changes in law and custom—color barriers down (but not out) in restaurants, unitary school systems, and drinking fountains—are only beginning to have an impact at the level of the physical needs of the impoverished mass of the State's minorities. The 800,000 blacks who represent more than one-third of Mississippi's population of 2.5 million are still, by design, underrepresented in Mississippi State and local government, in spite of five admonitions in the last 6 years by the U.S. Supreme Court to apply the one-person, one-vote rule. Although 22 of Mississippi's 77 counties have over 50 percent black population, only four blacks have been elected to State office: three from populous Hinds County and one from Kemper in which blacks comprise 90 percent of the population.

The only elected representatives of the 6,000 American Indians who reside in the State are their own tribal council members and chiefs. Both chiefs, Calvin Isaacs of the Choctaws and Sam Kinsolving of Many Tribes, Inc., are members of the Mississippi Advisory Committee.

Rich alluvial deposits on the western half of the State, the famous Mississippi Delta, have brought great wealth to a handful of white landowners. Mechanization of farming has extended the poverty of the mostly black field workers who are ill-equipped to compete with the giant machines, let alone with skilled job holders in urban centers.

A 200-mile highway runs south with the river down to the Gulf of Mexico past repetitive acres of soybeans, rice, and cotton, the vista broken only by an occasional tree and an even less frequent giant combine run by a single operator. In the same Delta that helps feed the country, there are perhaps a quarter of a million people, mostly minorities who are unschooled, untrained, pitifully housed, and ill-nourished. They (and another half-million scattered through the rest of the State) exist day-by-day below the minimum Government subsistence standards, bringing down the State's earned income average to the lowest in the Nation. These rural poor, many former sharecroppers for whom the civil rights struggle was launched, are isolated and desolate. They are inadequately reached by Federal programs which have concentrated on more visible trouble areas, e.g., the core cities with recent histories of civil disturbances.

On the Gulf coast, the State's largest industry, Ingalls Shipbuilding, provides employment for 25,000 Mississippians. The State government itself comes second in numbers of employees. Hiring, firing, and promotion practices regarding minority and female employees of both Ingalls and the State government have been investigated and are being monitored by the Advisory Committee and staff of the Southern Regional Office.

The basic activities in the rock hard, hilly, and well-forested east side of the State are trade and industry. Thomas Reed Ward, Advisory Committee member from Meridian, maintains that because that bustling railroad center had no slave-dependent plantations, race relations never descended to the ugliness prevalent in other parts of the State where the Klan flourished. (A small group of Klansmen along the coast still indulges now and again in burning crosses and the dwellings of alleged enemies of white supremacy.) One indication of Meridian's political maturity came last June when the city elected Al Rosenbaum, a Jew, as its mayor, and Dr. Hobert Kornegay, a black, to the city council. Race was never an issue in the campaign.

Except for a few vocal individuals, blacks in Mississippi are quiet in their desperation. To them, the U.S. Commission on Civil Rights, which held hearings in the State in 1961 (when it was truly

dangerous to do so), and the tangible presence of the Commission's ongoing concern, the State Advisory Committee, symbolize the Federal Government's involvement in civil and human rights in Mississippi.

Civil Rights Developments

Education

No doubt the Federal Government's all-out support, including troops, of James Meredith's desire to attend "Ole Miss" left lasting impressions on school administrators throughout the State. When the Supreme Court decided in 1968 that "speed" toward desegregation, as directed in the 1954 *Brown v. Board of Education* decision, had been neither total nor deliberate, and that schools were to cease operating separate facilities for blacks and whites, most of Mississippi's public school systems began to comply. In last ditch efforts to make separate "equal," many communities had upgraded structures used by blacks and even built new schools. Thus, when the 1968 order came, the facilities were quite acceptable to most white parents.

For example, in Jackson, the State capital, black and white community leaders rode along with the youngsters to school to assure peaceful desegregation. Even though the change from dual to unitary systems was far more extensive than desegregation of most urban systems in other States, there was minimal disorder. Last year white students in Jackson and other cities began returning in large numbers from the private academies. One public high school in Jackson that had been majority black is expected this fall to achieve half-black and half-white enrollment.

By 1972 virtually all the public school systems had desegregated students, staffs, and facilities—years before the "problem" of equalizing educational opportunity was confronted by systems in Northern States. Controversies over busing in Mississippi were rare.

Transportation has been used in Mississippi as just one logical and practical means among others of effecting the necessary, lawful change. In Greenville, the cosmopolitan small city in the Delta in which the Advisory Committee conducted a case study of the effects of desegregation, the investigative team found that to assure each child's exposure to teachers of ethnicity different from his or her own, black and white team teaching was developed for each elementary class—as well as for the departmentalized high school classes. One educational improvement from this procedure was that the teachers were able to choose subject areas they felt most comfortable with and qualified to teach. With this specialization, the youngsters benefit from improved, varied instruction.

In Greenville today very young students go from classroom to classroom within a building for different studies with different teachers. The variety of environments is not only stimulating for the students, but it is also economical for the system, which can get more use out of limited science, communications, and social studies facilities. Six or seven classes each day take turns using materials and equipment.

Employment

Advisory Committee members cite the State government itself as a prime example of imbalance of economic opportunity in Mississippi. Although the highest percentage of unemployment is among blacks, 88 percent of the State agency employees are white—and most of those in mid- and upper-level positions are male.

Women of all races and minority men appear to be systematically excluded from decisionmaking positions. The civil service system is highly politicized, according to Bill Minor, editor-publisher of the *Reporter* and member of the Advisory Committee. Membership on State boards and commissions, in his opinion, does not result from a bona fide merit system.

Although more than 37 percent of the Mississippi population are minorities, they comprise only about 12 percent of the State payroll. Women's jobs usually fall in the low pay, stereotyped categories. Few are appointed by the Governor to serve on major boards, although token blacks are beginning to appear in a few important positions.

An Advisory Committee audiovisual project on patterns and practices of discrimination in Mississippi State government was quite successful in compelling Governor Bill Finch to take personal "affirmative action" to cooperate with the Mississippi Advisory Committee last year. An audiovisual presentation of the findings attracted considerable attention through television coverage

on a statewide commercial channel. The presentation graphically detailed the patterns of race and sex discrimination in Mississippi State agencies.

During a personal meeting with the Governor, staff members and Advisory Committee members told the State's chief executive that he should appoint more women and minorities to State boards and commissions. He has since done so, including the appointments of Dr. Gilbert Mason, Biloxi Committee member, to the State board of health—the first black to serve on such a board in Mississippi—and of Dr. Cora Norman, another Committee member, to the State commission on women.

Unfinished Business

To a financially poor State such as Mississippi, Federal financial assistance (in fiscal year 1976, $783 million) has been a tremendous incentive for doing the right thing. But progress toward total implementation of all nondiscrimination guidelines has been, at best, desultory. Committee members who have dealt with Federal regulations maintain that the language is almost deliberately confusing and there appear to be many escape clauses that benefit the grantee or contractor.

While the attractiveness of Federal monies is great, the threat of reprisal for lack of guideline implementation is miniscule. It has been a long time since Federal troops were brought in to make certain that a single black man could matriculate at the University of Mississippi. Today, the only worry a department head might have is that funds could be cut off, but this has been a paper tiger threat.

In spite of reams of laws, rules, and regulations regarding nondiscrimination, less than 100 blacks, American Indians, and women hold upper-level positions in government or private industry in the State. Less than 1,000 are in mid-level jobs. The State employs more than 13,500 persons. Economic change appears to lag far behind the cosmetic change in social attitudes.

Neither the Fair Housing Act (1968) which outlaws discrimination in sale or rental of living accommodations, nor the Housing and Community Development Act (1974) which provides funds for water and sewer systems, urban renewal, and open space development, meets the decent-housing needs of 257,000 families who live in the substandard dwellings which comprise one-quarter of Mississippi's 636,800 occupied housing units.

Doing away with dual school systems was put forth in *Brown v. Board of Education* as a means to an end: equal opportunity to education. For many Mississippi youngsters who are segregated within unitary systems that end is not even in sight. Various administrative devices are applied, some even with good intent, to segregate children within unitary systems. More minority students are tracked into low achievement ability groups than white and more are placed in "special education" than their white counterparts.

In independent school systems such as Meridian, which do not have State-supported school vehicles, transportation is a problem, but not in the way viewed by antibusing factions. Youngsters who live 4 miles from their school have to use public transporation at 10 or 15 cents per ride. It can cost a poverty-level parent $1.20 a day to transport four children to their schools. The alternative is to keep these children (sometimes physically handicapped children) at home, since Mississippi has no compulsory attendance laws.

Lucile Rosenbaum, Advisory Committee member from Meridian and former school board member in that city, expressed the opinion that Federal education monies should be available for transporting students even when desegregation is no longer the issue. "How can there be equal opportunity to education without access to opportunity?" she asks.

Two decades have elapsed since the Federal Government officially acknowleged, through the creation of the U.S. Commission on Civil Rights, that the rights of minorities and, later, women must not be abridged.

Although Federal court rulings, Federal troops, Federal civil rights laws, and Federal dollars have been critical factors in altering attitudes and behavior in this State, meaningful change is as difficult to see as the progress of a glacier that advances at the rate of inches each millenium. No substantive progress can be made until Mississippi joins the rest of the Nation by resolving to apply the protections and benefits of government equally among all groups of citizens. Such an initiative must include adequate representation *in* the government by all groups.

Until such developments are forthcoming, the Mississippi Advisory Committee believes that Federal oversight and protection are vital to the very survival of the State's minorities.

Mississippi Advisory Committee Members

Albert M. Britton, *Chairperson*
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Obie Clark
Patricia Derian
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Duncan Gray, Jr.
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Sam Lawson Kinsolving
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Amzie Moore
George A. Owens
Matthew Page
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Mary L. Ramberg
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Hazel B. Smith
Thomas Reed Ward
Clell O. Ward
Linda L. Lewald
Ruth Mosley
Cora E. Norman
Catherine S. Salloum
Evelyn Silas
Virginia Wagner

Missouri

Missouri, the "Show Me State,", is the 14th largest State in the Nation. The population of 4,747,000 is 10.3 percent black and 0.8 percent Hispanic. Although the bulk of the State's minority population resides in the State's principal cities, St. Louis and Kansas City, there is also a substantial black population in small black towns in the "Bootheel" of southeastern Missouri. Race relations in the large cities reflect the atmosphere and circumstances of other declining north central American cities. Race relations in the Bootheel resemble the "blackbelt" areas of the contiguous Southern States.

Civil Rights Developments

St. Louis has a large black population with a substantial black middle class. Although there have been many problems, mass violence has been virtually nonexistent. A large and peaceful demonstration in memory of Dr. Martin Luther King, Jr., was publicly supported by former Mayor A. J. Cervantes.

Kansas City has been quite different. A riot occurred from April 9 to 13, 1968, sparked by the death of Dr. King. A large multiracial and interdenominational march had taken place peacefully on April 8. But racial tension in the city was fueled by the generally poor relations between police and the minority community and the failure of the city schools to observe the day of the funeral officially, in contrast to Kansas City, Kansas, where schools were closed. A weak police communication and command structure resulted in minor violence of a few being blamed on peaceful demonstrators who were insisting on their right to march. It was alleged that police response heightened the anger of the community and that gas and gunfire used indiscriminately by the police and National Guard aggravated the violence. Subsequently, a local riot commission report led to no substantive changes in relations between local government and the minority community.

Employment

Until 1965 when Percy Green climbed the St. Louis arch, then under construction, to protest discrimination in the building trades, employment practices were blatantly discriminatory. Since that time, discrimination against minorities and women in employment has continued, as reports of the U.S. Commission on Civil Rights and the Missouri Advisory Committee demonstrate, in more subtle forms. Many major companies have moved their plants out of the reach of minorities. Some St. Louis firms have asserted that the city's declining tax base compelled them to leave; others cited the search for "more attractive surroundings" or more skilled labor. The Commission reviewed this problem during its 1970 hearing in St. Louis, and the Missouri Advisory Committee addressed the issue in 1973 in St. Louis and in 1977 in Kansas City. But traditional forms of discrimination remain.

During 1975-76 the State human rights commission received 3,691 employment complaints; 51 percent came from St. Louis, 23 percent from Kansas City, and the remaining 26 percent from the rest of the State. Over 60 percent were based on sex discrimination.

In St. Louis the seniority rights of black bus drivers whose firm was merged into the St. Louis area transit authority were recognized in *Allen v. Transit Union.*

The St. Louis Human Relations and Equal Opportunity Commission, now titled the Civil Rights Enforcement Agency, in 1977 charged that the city hospital system discriminated in the placement of black doctors as interns and residents. Further, it indicated that the medical services provided the black community were inferior.

Kansas City, faced with the possibility of a federally-imposed plan, developed a "Hometown Plan" for obtaining increased minority participation in the construction industry. For the first 5 years the plan exceeded by about 3 percent its goal for increased minority participation in construction.

Administration of Justice

Missouri's State prison system suffers from significant overcrowding with facilities that are both aged and inadequate by modern standards. Efforts to construct new facilities have been halted by a dispute between rural legislators who want maximum security facilities built in rural areas and other legislators, supported by the Governor and the department of social services, who want medium security facilities built in urban areas. Although over half the prison population is urban and black, less than 5 percent of the staff is black.

County and local jails have been condemned by Federal courts as lacking the minimum facilities to maintain the human and civil rights of inmates. Court orders requiring substantial improvement are being appealed as too costly and as unreasonable impositions on the local taxpayer.

Police-community relations have varied. In Kansas City a period of tranquil relations followed the departure of Clarence Kelley as chief of police in 1973 and the arrival of Joseph McNamara. Since McNamara's departure in the winter of 1976, several incidents between white police officers and minority persons have rekindled animosity.

In St. Louis there have been episodes of police brutality, most notably in 1968 and 1975, and in St. Louis County in 1977. Complaints against city and county police have been thwarted by the Police Officers Benevolent Association's financial support for officers who have filed suits against complaining citizens. In the county areas around St. Louis, police have been accused of turning a blind eye to violence directed toward minorities moving into predominantly white areas.

In the Bootheel, State and county police officers have been accused of harassing black officers of small black cities such as Hayti Heights.

Housing

Missouri is famous for public housing projects that failed—Pruitt Igoe in St. Louis has been demolished and Wayne Miner in Kansas City has been substantially altered. Missouri Advisory Committee studies in Kansas City and the Bootheel have shown that joint and separate action of Federal, State, local, and private groups still deny minorities equal access to decent housing. Steering practices in housing were highlighted during the Advisory Committee's hearing. Data documenting these practices were based on an 8-month study by the Greater St. Louis Committee for Freedom of Residence. This study subsequently resulted in a suit filed by the U.S. Department of Justice against four of the major St. Louis real estate companies (*U.S. v. Armbruster, et al.*) These data reinforce the evidence presented at the 1970 Commission hearing in St. Louis and at the informal hearings conducted there by the Missouri Advisory Committee.

In *Jones v. Mayer* (a St. Louis case) the U.S. Supreme Court held that the Civil Rights Act of 1866 bars all racial discrimination in the sale or rental of property. More recently in *City of Black Jack v. U.S.*, the courts restrained a St. Louis suburb from the use of exclusionary zoning that was intended to prevent the development of low-income housing that minorities might use.

The Greater St. Louis Committee for Freedom of Residence, whose executive director, Hedy Epstein, is a member of the Missouri Advisory Committee, has taken the lead in many efforts in St. Louis County to open housing opportunities to minorities. Since late 1967 this committee has fought the occupancy permit ordinances required by many St. Louis municipalities as a condition of residence. These ordinances, despite their ostensible purpose of maintaining the existing housing stock and avoiding overcrowding, are used to deny minorities access to housing. After the Freedom of Residence Committee's efforts to investigate the occupancy permit ordinance in Jennings, a suit was filed to gain access to the occupancy permit files. This action is still pending. Approximately 50 percent of the almost 100 municipalities in St. Louis County have enacted occupancy permit ordinances and might be affected by a court ruling. The most frequent complaint against these ordinances is that permits were not issued for extended families, thereby discriminating against blacks.

In 1969 St. Louis experienced a successful public housing rent strike which resulted in tenant management. The model St. Louis tenant management project has received financial support from the Ford Foundation and has been adopted by several other cities around the country, including Kansas City, Missouri.

In St. Louis a citizens' action group, ACORN, has documented mortgage redlining by banks. The State insurance commission has found similar practices limiting the availability of homeowners' and car insurance. These reports are being reviewed by the U.S. Department of Justice.

Efforts by the State legislature to correct the practices have been largely thwarted by the insurance and banking lobbies, despite support for a strong measure by the State insurance commission. A measure introduced by Senator J. B. Banks to combat insurance redlining was eventually weakened, preventing only unreasonable cancellation of insurance as neighborhoods change. It does not require that homeowners' insurance be granted based on the condition of the premises, nor does it address the problem of redlining.

Half the housing discrimination cases before the Missouri Human Rights Commission came from the St. Louis or Kansas City metropolitan areas and the remainder from other parts of the State. Although research has focused on the big cities, housing discrimination is clearly widespread.

Data developed by the Advisory Committee during 1977 indicate the extent to which public housing, concentrated in the traditionally minority portions of the major cities, has frustrated urban regeneration. Efforts to redevelop the central city persist in areas such as Lafayette and Soulard in St. Louis and Project DARLIB and the East 23rd Street Project in Kansas City.

Education

In 1976 Missouri repealed a constitutional provision requiring dual schools, although the provision had been legally dead since 1954. Kansas City and the school districts of Ferguson-Florissant, Berkeley, and Kinloch have been the subject of Federal efforts (the first by HEW, the rest by the U.S. Department of Justice) to achieve school desegregation. St. Louis has been the subject of litigation instituted by private citizens in Federal court.

Kansas City will test the capacity of HEW to enforce a remedy that effectively dismantles a formerly dual school system. Meanwhile, suit has been brought against 13 Missouri school districts and 5 Kansas school districts surrounding Kansas City to impose a metropolitan, bi-State remedy. The suit argues that Federal policy and local action, both past and present, have created circumstances in which only a multidistrict remedy will succeed.

The Kansas and Missouri Advisory Committees had recommended such action in their report, *Crisis and Opportunity*, calling for voluntary metropolitan desegregation and legal action if no voluntary steps were taken. While legal action has begun, many interested and influential citizens and groups are working with the Advisory Committees to achieve voluntary cooperation.

Kinloch district was carved by the State out of the districts surrounding it to maintain segregation. The Federal courts have required that it be merged with the surrounding districts of Ferguson-Florissant and Berkeley into a single school district. So far, after 1 year, the merger is proceeding smoothly.

St. Louis is the subject of private litigation by a group of parents. The school district agreed to a consent decree stipulating that intentional segregation had not occurred. Now the district, the original plaintiffs, and the local NAACP chapter are in dispute over the full extent of the remedy to be used. In the first year a set of magnet schools was introduced. The remedy proposed for the second year was to desegregate the junior and senior high schools. All action has been delayed pending the outcome of hearings that will begin in October 1977 to determine the extent to which school policies violated constitutional rights. The extent will determine the range of remedies.

The NAACP intervened after the consent decree was issued, asserting that it did not provide for sufficient desegregation. At the close of the 1976–77 term, the U.S. Supreme Court upheld the right of the NAACP to intervene. The court of appeals, in reversing the district court to allow intervention, questioned whether the remedy agreed to would indeed result in effective desegregation. The court noted that 51 elementary schools were 100 percent black while 15 were 100 percent white. It said that 12 of 17 city high schools had 90 percent

or more students of one race. The Supreme Court concurred with the appeals court on the statistical basis for review, but remanded the case to district court for a comprehensive review based on the appeals court guidelines.

The U.S. Department of Justice had already joined the NAACP in a brief to the district court which asked that St. Louis be required to desegregate its schools completely in September 1977. The brief asserted: "We agree with the plaintiff-intervenors that this court must direct the defendants to take whatever steps are necessary to immediately convert to a unitary school system."

Other school districts in Missouri have desegregated with ease. The Commission reviewed the efforts of Kirkwood, Missouri (a St. Louis suburb), as part of its 1976 desegregation report. Similar efforts were reported in Columbia, Missouri.

Data presented to the Missouri Human Rights Commission in a 1974 study, *Integration in Missouri Public Schools: Faculty and Students Twenty Years After Brown*, show that in the State as a whole, faculty and students remain segregated in school districts, regardless of size. Both black students and black teachers tend to be concentrated in a few of the schools.

In the central cities, the study notes, black parents complain that the teaching their children receive is inadequate compared to that given other children. In the remainder of the State, especially in the Bootheel, there are complaints that desegregation meant only the closing of black schools and the dismissal of black teachers. Within the school buildings, it is alleged, segregation is maintained by class assignments and discipline policies.

An Equal Employment Opportunity Commission finding that Hazelwood School District had discriminated against black teachers in its hiring practices, and that a remedy of a dual hiring system would be appropriate, was sent back to district court by the U.S. Supreme Court for a review of the evidentiary basis for the judgment. The Supreme Court held that the violation could only have occurred after 1972 and that the extent of the labor market had not been adequately assessed (*Hazelwood School District v. U.S. 1977*). The district of Webster Groves has resisted taking all the steps necessary to desegregate completely.

Some suburban St. Louis County school districts—most notably University City—have denied public school enrollment to children of minority families if they did not produce an occupancy permit, although this is contrary to State regulations. The Greater St. Louis Committee for Freedom of Residence has been able to obtain the enrollment of children in each case that has come to the committee's attention.

Women's Rights

The Equal Rights Amendment has been rejected twice by the Missouri Senate (1975 and 1977), despite general public support for ratification and considerable organized advocacy by women's groups. These were actively and successfully opposed by an anti-ERA coalition. In *Poelker v. Doe* (June 20, 1977), one of a series of abortion cases, the Supreme Court upheld the right of States to refuse medicaid abortions except in limited circumstances. Since the decision, St. Louis City's public hospitals have reaffirmed their decision not to perform abortions. Kansas City hospitals are considering a similar move.

A recent study by the Kansas City Metropolitan Regional Commission on the Status of Women, a bi-State group, found that significant positions in elementary, secondary, and higher education are dominated by men. The commission pointed out that large numbers of well-qualified women are becoming available but face traditional prejudices and practices in hiring and promotion. It urged that each educational institution undertake a review of its employment practices to ensure equal opportunity for women, especially at the middle and senior levels.

Human Rights Commission

The State human rights commission was first authorized in 1957, becoming a permanent agency in 1959 with jurisdiction over employment. In 1965 public accommodation was added to its mandate. In 1967 women were added to the groups protected. In 1972 fair housing, which does not yet include sex discrimination, was added to its authority.

The Missouri Human Rights Commission was reorganized by former Governor Christopher Bond following a report from the International Association of Official Human Rights Agencies which

found that the existing commission and senior staff were not effective. In December 1976 the Governor appointed as chairperson Alvin Brooks, an assistant city manager in Kansas City and a former CORE activist. It is now expected that the commission will show new vigor in pursuit of equal opportunity, but the legislature has been reluctant to fund it properly, partially because of past problems.

Urban Problems

Data on the demographic and economic characteristics of the St. Louis and Kansas City metropolitan areas reveal the scope of the urban crisis in the State. Between 1930 and 1960 metropolitan areas shifted from predominantly urban to predominantly suburban. A dramatic rise occurred between 1960 and 1970 in the black population of central cities, while the white population in St. Louis declined and the white population in Kansas City held steady. In a decade St. Louis lost nearly one-third of its white population, gaining nearly 20 percent more blacks. Even more dramatic increases occurred in the numbers of other nonwhite persons who moved into the central cities. The racial and socioeconomic character of Kansas City—once largely white and affluent—has come increasingly to resemble that of St. Louis.

The change in demographic characteristics was accompanied by a decline in economic conditions. By 1960 per capita income in the city of St. Louis dropped significantly below the suburban level, although Kansas City's central city income level remained above that of its suburbs. By 1973 Kansas City residents earned only 92 percent as much as their suburban counterparts. In St. Louis, income dropped still further, to only 78 percent of the suburban figure.

Economic activity in the central cities, which as late as 1963 exceeded or approximated suburban levels, by 1972 was markedly lower than suburban levels. Even more significant, manufacturing employment between 1968 and 1972 declined in central cities but continued to grow in the suburbs. Retail sales showed a similar pattern. The decline in the central cities was reflected in the small rise in retail sales in the two central cities (less than the rate of inflation in both cases, dramatically less in the case of St. Louis) by comparison with a dramatic rise in retail sales in the suburbs. Worse, from the cities' point of view, the central business districts experienced an actual drop in retail sales: more than 15 percent in Kansas City and more than 5 percent in St. Louis.

An Advisory Committee study of revenue sharing in the city of St. Louis and in St. Louis County (which borders the three Missouri-facing sides of the city) shows the disparity in the resources available to a needy central city compared to its suburban fringes. The report reveals the failure of revenue sharing block grants to provide effectively for the needs of minority and poor people. Civil rights provisions of the Revenue Sharing Act were subsequently strengthened by the Congress. Black cities of the Bootheel need far greater Federal funding than they now receive to provide appropriate support for self-sustaining growth. Recently, the Federal Departments of Housing and Urban Development, Labor, and Commerce (Economic Development Administration) have funded an Urban Economic Development Council in Kansas City. This will focus on linkages between the public and private sector that can help remedy urban problems such as public education.

Three organizations in Kansas City work with minority and female businesses. The Black Economic Union, established in 1967, has begun work on a mini-industrial complex in the heart of the black residential area of Kansas City. The complex will include light industries, a service center, and space for educational programs.

The Minority Business Information Center was created by the Federal Executive Board to assist minority businesses in preparing themselves to obtain Federal contracts as well as to provide general technical assistance to minority business persons.

Mo-Kan Region VII Minority Contractors Association represents minority contractors in the four-State region. The Kansas City branch has been active in attacking the failure of Federal agencies to ensure that government contracts, whether issued by the Federal Government or by State and local governments using Federal funds, include minorities as subcontractors and workers. It reports difficulty in getting cooperation from many Federal agencies, including EPA, Highways, GSA, and the Corps of Engineers.

Unfinished Business

At present, the Advisory Committee is concerned about the unequal municipal services rendered by the small and medium-sized cities of the State. It has reviewed the failure of affirmative action to improve significantly the roles of minorities and women in Missouri State government. Similarly, there have been complaints that minority and female consultants do not receive a share of city and State contracts.

But, as elsewhere, the primary concern must be the lack of available jobs in the private sector. This has been compounded by the flight of business from the old central cities to suburban locations beyond the reach of the central city poor, who are primarily black.

The quest for jobs is complicated by the failure of the suburbs to allow adequate low-cost housing in their jurisdictions that would compensate for the dismal lack of public transportation.

Education makes employment possible in this increasingly technological age. Yet central city school systems have been allowed to deteriorate, becoming more segregated rather than less. Those who have turned away from desegregated education have also renounced any obligation to preserve the quality of urban schools. The State of Missouri's education department has failed to assume any leadership to assist the desegregation process in either Kansas City or St. Louis.

Police and prisons remain sources of tension. The Advisory Committee hopes that more enlightened State and local authorities will take the steps necessary to alter the status quo by assuring adequate services and equal service for all.

In the smaller cities of the Bootheel traditional discrimination persists. Locked into poor black communities, on the other side of the tracks of large jurisdictions, minorities receive less than equal service. A similar problem faces the minorities of other mid-Missouri communities.

Efforts are needed to inform women of their rights to credit, housing, employment, and services. Special emphasis should be given to reaching those as yet untouched by the women's movement.

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Montana

In Montana, American Indians number 27,130, accounting for 3.9 percent of the total population; whites (694,409) comprise 95.3 percent of the State's inhabitants, while the 863 Asian Americans are 0.1 percent. Blacks are concentrated in the Great Falls area near the Malstrom Air Force Base. This group numbers 1,995 or 0.3 percent of the State's total inhabitants. Hispanics are primarily clustered around the Billings area and represent 0.3 percent of the population (1,800). Half the Montanta population (50.6 percent) is female.

Civil Rights Developments

Because of their number in the population, the problems of American Indians predominate in the State. Other vital issues include police brutality, discrimination against Hispanics, the need for prison reform, and educational opportunities for minorities and women.

Montana's Indian reservation lands are now sought after by non-Indians for their natural resources, coal in particular. Indian-inspired lawsuits challenge the threats to Indian sovereignty and to long-existent treaties.

Montana's courts imprison a disproportionately large percentage of American Indians, blacks, and Hispanics. The Montana Advisory Committee has found that minorities are treated differently than are whites by the State's justice system.

The Advisory Committee also found that minorities are underemployed and underrepresented in State and Federal agencies. The Montana Human Rights Commission documented discriminatory practices in employment. When the Advisory Committee launched an investigation of the media in Montana, it was discovered that minorities and women were discriminated against in employment by television stations as well as by newspapers. Since the study, minorities and women have been given greater media opportunities. Minority teachers in Montana are also being hired on a more equitable basis as a result of complaints by community groups and the Advisory Committee.

The Center for Public Interest published a report documenting extensive sex discrimination in employment by State government. Existing antidiscrimination statutes are not being fully implemented, agencies monitoring equal employment are understaffed and ineffective, and women are underrepresented in high-level positions. The report stated that women are also conspicuously absent from boards established to consider sex discrimination complaints.

In 1975 the Montana Legislature passed legislation recognizing the economic worth of homemakers. More equitable division of property upon divorce and more effective means of collecting child support along with allowing women to choose their legal residence are some of the provisions of the new bill.

In October 1974 the Montana Legislature created two new agencies—the women's bureau and the equal employment opportunity bureau—to assist the newly established Montana Human Rights Bureau in handling discrimination complaints. In November these three agencies sponsored a human rights and social justice conference whose participants questioned the bureaus' effectiveness. In 1974 the human rights bureau was funded with only $28,000 to process complaints in employment, housing, credit, and admission to schools. The bureau has authority only to attempt informal resolution of complaints and then may refer them to the State human rights commission for formal proceedings. The equal opportunity bureau is funded by EEOC to implement an affirmative action plan to place more women and minorities in State government jobs. The principal duty of the women's bureau is to develop a program to educate women concerning opportunities for equal status. None of the bureaus has any enforcement authority.

The Montana United Indian Association in 1974 conducted a series of six public conferences on the theme "The Politics of Indian Employment." The project was funded with $7,600 by a private

group, the Montana Committee for the Humanities. A report issued found that Indian unemployment in the State ranges from 40 to 60 percent. It identified several barriers to Indian job security including: outright discrimination and ignorance of American Indian culture, whites attempting to convert Indians into whites, and cultural bias in screening and testing procedures for employment.

The Montana Advisory Committee report *Employment Practices in Montana—The Effects on American Indians and Women* was released at a press conference in Helena in October 1974. The report was distributed statewide and was a major topic of discussion at a human rights conference held in Helena in November of that year.

The Montana Advisory Committee released its report entitled *The Media in Montana: Its Effects on Minorities and Women* on June 2, 1974. This report concentrated on the employment underrepresentation of women and minorities at newspaper offices and television stations in the State.

Since July 1, 1975, it is unlawful for all employers in Montana to terminate a woman's employment because of pregnancy. Montana now prohibits State and local government agencies and their contractors and subcontractors from discriminating on the basis of race, color, religion, creed, political views, sex, age, marital status, physical or mental handicap, national origin, or ancestry.

The State law on mandatory retirement at age 65 has been stricken from the books.

The Montana Commission for Human Rights was granted the power in 1975 to subpena witnesses and documents and defray the costs for indigent persons filing charges under the State's civil rights law.

In September 1975, Russell Smith, Montana's senior U.S. district judge, determined that American Indian tribal sovereignty on the reservations never existed. Judge Smith said, "The concept of Indian sovereignty was given the coup de grace by the act of March 3, 1871...which forbade the recognition of an Indian tribe as an independent nation." The judge's decision was of major importance in Montana, particularly in counties having reservations or parts of reservations within their boundaries. Judge Smith's decision has had a major impact on the concept of tribal sovereignty heretofore respected in Montana.

The Montana Legislature amended its Fair Housing and Public Accommodations statute effective July 1, 1975. The amendments prohibited discrimination in housing and public accommodations based on sex, race, age, physical or mental handicap, color, or national origin.

Unfinished Business

Though there have been many positive civil rights developments since 1962, many of the problems alluded to are still central issues. Others which need to be the focus of attention for future efforts include the following.

- The availability of credit for married, divorced, or widowed women remains a problem for women in the State.
- Montana has no shelter for battered women. So awful is the plight of battered women in the State that they cannot even sue their husbands in case of assault. Police protection for battered women is minimal.
- Racial discrimination in the employment of American Indians and blacks in department stores in the State requires closer investigation.
- Indian land rights, as in the Dakotas and Wyoming, will be an increasingly volatile issue.

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Nebraska

Nebraska, "the Cornhusker State," is in the heart of middle America. It has a population of 1,483,493, of which 2.7 percent is black, 1.4 percent is Hispanic, 0.4 percent is American Indian, and 0.1 percent is Asian American. Blacks are concentrated in Omaha, the largest city, located on the extreme eastern end of the State. American Indians from the Omaha and Winnebago tribes are located on two reservations in northeastern Nebraska. Lakota Sioux populate towns in northwestern Nebraska near the Pine Ridge, South Dakota, reservation. Hispanics are concentrated in the farming and processing area around Scottsbuff in the Nebraska Panhandle.

State and local commissions have been established to represent the minority groups and women. Laws have been passed to give local bases for civil rights claims, but minority and women's groups continue to complain that these gestures toward equal rights remain symbolic.

The Nebraska Advisory Committee is interested in improving communications between minority and majority groups through a statewide public broadcasting network to make minority views more familiar to the bulk of the State population. The Advisory Committee has also been involved with civil rights in State prisons, civil rights agencies, and in equal employment opportunities.

Civil Rights Developments

Violence in Nebraska has been insignificant by national standards, but it has periodically erupted, indicating a level of continuing tension.

In summer 1965 a riot broke out in the parking lot of a Safeway food store on 24th and Lake, in Omaha's black community. The disturbance was attributed to police overreaction to a minor fracas. A special blue-ribbon committee was appointed by Mayor Sorenson to review minority concerns. Its report led to a few jobs and the installation of water hydrant sprinklers for black children.

In April 1968 another demonstration was triggered by the murder of Dr. Martin Luther King, Jr., and the suspicious death of a young black male in the Douglas County jail. Another demonstration occurred that year following the fatal shooting by the police of a black teenager. Charges were filed against the officer involved, who was later found not guilty.

In 1973 these events were repeated in the fatal shooting of a black man by a police officer. A task force on police-community relations was established by the mayor which provided some increased communication and human relations training for police personnel, but no substantive changes. In the western portion of the State the American Indian Movement (AIM) was active in the Gordon-Chadron area during the early 1970s, but Nebraska was relatively untouched by the Pine Ridge episodes. Since then, AIM has decreased its activity in northwestern Nebraska. At the request of the Nebraska Indian Commission, U.S. Commission on Civil Rights staff have made repeated visits to the area.

Police-community relations have recently stabilized, but better human relations programs for police officers and increased recruitment of minority and female police personnel remain goals of the Advisory Committee.

In Omaha during 1974 an administrative police review board was created by executive order of Mayor Zorinsky. The board included the mayor, the chief of police, the public safety director, and the human relations department director. The purpose was to review police procedures and misconduct and to devise a complaint procedure enabling civilians to review copies of complaint investigations for the first time.

Prisons

Conditions in the Nebraska State prisons were publicized by the Advisory Committee's study of the prison system, *Inmate Rights and Institutional Response* (August 1974). The Advisory Committee found: (1) that the parole board operated without regard for due process; (2) that medical facilities were absent; (3) that prison guards were inadequate and poorly trained; (4) that too few

minority guards were recruited; (5) that legal services were inadequate; and (6) that decent wages were not paid for prison labor. Many of the recommendations made by the Advisory Committee have been accepted. Committee members are continuing to work with prison personnel and inmates and in program planning for penal reform.

In response to Nebraska legislation LB 417, enacted in 1975, steps were taken by the State to establish standards for all local correctional facilities. The department of corrections and the Advisory Committee worked with the Nebraska Bar Association under a grant from the Law Enforcement Assistance Administration to develop standards. The bar association reported that a study of nearly half the local jails in Nebraska found most of them unfit. Standards which were recommended by the bar association and the department of corrections were debated and modified in the 1977 legislature, and are expected to go into effect in legislative year 1978. An office of jail standards administration is to be created within the corrections department.

Employment

Although discrimination in employment has been illegal under Nebraska law since 1965, inequality persists. In 1975 the Nebraska Equal Opportunity Commission (NEOC) signed an agreement with Safeway stores to end all statewide discrimination in employment. A court decision earlier had required Ford Motor Company to carry out similar actions. In 1977, the State Advisory Committee investigated discrimination by State and private employers.

Records of the State equal opportunity commission show a steady annual increase of 10 percent in the number of complaints about employment discrimination based on race or sex. Additional staff has been recruited to address this load.

In spite of increased Federal funds recently made available to aid employment of economically disadvantaged Indians in Winnebago, Macy, and Niobrara, and the United Indians of Nebraska, unemployment remains disporportionately high. The same is true of other minority groups served by special Federal funding.

In 1972 the first black-owned bank in the State, Community Bank of Nebraska, was chartered. Later, Community Equity Corporation, initially funded by several church groups, began supporting small minority enterprises in Omaha. On January 1, 1973, radio station KOWH, the first black radio station in the State, started broadcasting.

The Advisory Committee's involvement with the Nebraska Department of Labor in 1976 resulted in participation for the first time by Chicano farmworkers in the design and management of the migrant service program. The problems confronting migrant workers remain a major concern of the Advisory Committee.

Housing

In a 1972 study, the Center for Applied Urban Research found that minorities were locked into the northeastern portion of the city of Omaha where the value of mortgages is markedly lower than in the developing white portion of town. Nonresidential permits—a good indicator of jobs—are also low. Unemployment claims are higher. The area has been losing housing as new arrivals to the city choose to locate elsewhere.

Despite the racial isolation and unequal opportunities for residents of the northeastern sector of Omaha, few formal complaints of discrimination in housing have been filed. Most cases filed with the Nebraska Equal Opportunity Commission have been settled without litigation. In one of the few litigated by the commission, *Edward Russell v. Green Acres Trailer Court* (1973), the Douglas County (Omaha) District Court awarded judgment against the trailer court. Earlier, the Omaha Human Relations Commission had filed its first case, alleging a pattern and practice of discrimination against the 48th and Sahler Corporation, managers of the Larsen Apartments. In June 1973 Judge James O'Brien ruled in favor of the city.

Schools and Desegregation

The principal school desegregation activity in the State has been in Omaha. This began in December 1967 with a complaint by the Urban League. The U.S. Department of Justice became involved in April 1972 and a year later announced that it would file suit to force desegregation. The case was heard in March-April 1974 before District Judge Albert Schatz. In October 1974 Judge Schatz ruled there had been no intent to segregate, but the ruling was reversed by the U.S. Court of Appeals for the Eighth Circuit in June 1975. Pend-

ing an appeal to the U.S. Supreme Court, Judge Schatz established a blue-ribbon panel to assist in designing a desegregation plan. In 1976 a plan drafted by the school board was accepted by Judge Schatz for implementation in the 1976–77 school year. Despite some initial difficulties the plan has proceeded with few incidents. Just before the end of the 1977 summer school term, the Supreme Court remanded the Omaha case for review by the lower court.

In 1974, in the western end of the State, Leroy Cassals organized a demonstration by Chicanos to protest improper placement of children in classes for the mentally retarded, excessive physical punishment of Latin children, and unequal access to the free lunch program. HEW's Office for Civil Rights reviewed the complaint and found noncompliance. In 1977 the district submitted a plan which is currently under review.

Women's Rights

Women obtained the right to vote in Nebraska in 1920, following the defeat of several earlier suffrage efforts. A woman represents Nebraska's Third Congressional District in the U.S. House of Representatives. Out of 49 State senators, 3 are women. Nebraska was the sixth State to ratify the Equal Rights Amendment, but the legislature subsequently voted to rescind the ratification.

American Indians

Among the significant events involving the State's reservation Indians, a Federal court judge ruled against the Omaha tribe in the "Iowa Lands" suit. The suit, which had been in court for 4 years, involved land which, according to the geographic boundaries described by treaty, belonged in Nebraska. But the course of the Missouri River has changed since the treaty and the lands have been claimed by Iowa farmers. The Omaha tribe has appealed the court's decision.

Through efforts of the various tribes acting individually, Nebraska's reservations have begun to acquire limited housing projects to address the major need of good quality housing.

The construction of a new high school at Macy and the inclusion of Indians on the Walthill School Board have averted a serious confrontation.

A cooperative education program through the University of Nebraska (both Lincoln and Omaha campuses) has resulted in the availability of college level courses at both reservations. This program's first Indian student received a degree last year. Other Indian students continue to attend the two campuses.

The Omaha tribe is now building the first health clinic at its reservation in Macy.

The Nebraska Indian Commission held a State hearing on violence in western Nebraska with regard to police and community relations. The meeting was held in conjunction with the Native American Rights Foundation. Staff of the U.S. Civil Rights Commission and members of the Nebraska Advisory Committee attended.

The Nebraska Advisory Committee has given support to the Nebraska Indian Commission when requested in the past and has assured it of continued assistance whenever needed in the future.

Civil Rights Enforcement

The efforts of civil rights agencies in Nebraska were reviewed by the Advisory Committee in a report published in August 1975.

The Nebraska Equal Opportunity Commission was established in 1965 to deal with discrimination in employment. Legislative records show that one major factor in its creation was the desire to preempt the U.S. Equal Employment Opportunity Commission from having direct jurisdiction in the State.

Women as a group were protected along with others who had suffered discrimination on the basis of race, creed, or color. In 1969 the authority of the State commission was expanded to include equal pay for equal work for women. In the same year the commission's jurisdiction was expanded to include racial discrimination in housing and public accommodations. Marital status was added in 1977, but sex discrimination as such is still not covered relative to housing and public accommodations. The commission's problems are similar to those in other States—a large backlog of unresolved cases, little real authority, and a small staff controlled by part-time commissioners. The Advisory Committee has supported the efforts of the Nebraska Equal Opportunity Commission to increase its effectiveness.

In May 1972 a Commission on Indian Affairs was established by statute. That same year also saw the establishment of a statutory Mexican-American Commission.

Although there had been a Commission on the Status of Women since 1964, it did not have staff until 1974. The commission has been very active.

Only the cities of Grand Island, Omaha, and Lincoln have local human rights commissions. Omaha, Lincoln, Lancaster County, and Columbus also have local commissions on the status of women. The Advisory Committee found that all these lacked adequate staff and resources to address the vast scope of civil rights problems included in their jurisdiction.

In 1977 the voters of Omaha refused to give their city's human relations department charter status equal to that of other city departments. The minority community viewed this as a slap in the face. Some have contended that voters rejected the proposal because they believed, mistakenly, that more funds were involved.

The Advisory Committee's 1975 report recommended that substantial additional funding be given the civil rights agencies. It pointed out that only a tiny fraction of the State's budget is devoted to civil rights enforcement and intergroup relations. The Advisory Committee urged that all civil rights agencies be given authority to initiate pattern and practice investigations. It further urged that the civil rights laws of the State be consolidated to parallel Federal law but include smaller firms (not covered under Federal law) as well, so that each local jurisdiction would enforce the same laws and each would assume some of the burden of the State. Agencies were urged to develop and use an internal affirmative action program. Many of the Advisory Committee's recommendations were procedural or called for additional trained personnel. The Advisory Committee continues to work with the civil rights agencies to implement its recommendations.

Voting Rights and Political Participation

The black community in Omaha protested to the city council the continued use of at-large elections. In 1975, however, State Senator Ernest Chambers successfully pushed through a bill which allowed the Omaha school district to have district elections. A black was elected to the school board in the first district election.

Recent efforts by Senator Chambers and others to pass a district election bill for the city of Omaha and Douglas County have met with opposition from city leaders and the State legislature. Local black leaders hint that they may file a lawsuit based on the inability of blacks to win a seat on the city council in at-large elections. When a vacancy occurred in 1977 on the city council, black community leaders were unsuccessful in their lobbying efforts to obtain the appointment of a black person. An Asian American has since been elected.

Unfinished Business

With its relatively small minority population, Nebraska has not been particularly attentive to minority matters. Of the many issues that fall within the umbrella of civil rights, discrimination in employment is among the most vital to the women and minorities of Nebraska. The Advisory Committee and staff have found that considerable discrimination remains, in both the public and private sectors. While some blatant cases still occur, the usual form is more subtle, e.g., through the use of unduly high entrance standards or non-job-related tests. The resources of all levels of government have proved insufficient, to date, in addressing this problem.

In the face of opposition from labor and the chamber of commerce, the Omaha City Council refused to pass an effective contract compliance ordinance in 1976. The Advisory Committee had recommended such an ordinance in 1975 and continues to urge action.

School desegregation remains an issue in Omaha. There is every reason to believe that the good start made in 1976–77 will not be reversed and that further progress will be made, but the effects of the Supreme Court decision are still to be seen. It may well reopen wounds that had started to heal.

The problems of American Indians in western Nebraska and the pockets of settled-out Hispanic farmworkers continue to be ignored. Although the Indian population may be assisted by the national effort to redress past wrongs, problems of farmworkers will require intensive local efforts to develop support systems.

The Advisory Committee realizes that there is more work yet to be done in areas such as employment, education, housing, criminal justice, and in the equitable distribution of public monies.

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Nevada

Nevada, with a land area of 109,889 square miles, had an estimated population of 652,193 in 1977. The population in the Silver State includes: black, 37,047; American Indian, 10,586; Japanese American, 1,450; Chinese American, 1,274; Pilipino American, 1,090; and other, 2,679. The 1977 Hispanic population is estimated at 65,000 by the Nevada Spanish Speaking Coalition, an organization of Mexican Americans, Cubans, Puerto Ricans, Central and South Americans, and other Spanish-speaking communities.

Civil Rights Developments

A major industry in Nevada is gaming, which attracts thousands of tourists weekly. Yet until the early 1960s not all tourists were welcomed. Among the earliest activities of the Nevada Advisory Committee was a concerted effort, in coordination with the Nevada chapter of the National Association for the Advancement of Colored People and other civic-minded organizations, to obtain passage of a public accommodations bill in the State legislature. The issue was highlighted by a Hawthorne restaurant's refusal to serve a black State Advisory Committee member during the lunch break at an informal hearing on problems faced by minorities at a Naval Ordnance Depot in the Hawthorne area.

The Nevada Advisory Committee immediately drafted a resolution requesting that the U.S. Attorney General initiate an investigation of public accommodations in Nevada. Copies of this resolution were forwarded to members of the Nevada State Legislature and the action appears to have been instrumental in the passage of a public accommodations bill.

Following this action, the Advisory Committee decided that it would be important to increase the State's awareness of problems faced by minorities in Nevada. A series of informal hearings was held in the cities of Hawthorne, Elko, Winnemucca, and Ely to increase the awareness of the majority community and alert the minority community of the Advisory Committee's existence. Myriad problems were raised, including open housing needs, enforcement of public accommodations law, employment concerns, and educational issues. Action on these issues was begun by concerned citizens of the State.

American Indians

In the mid-1960s the Advisory Committee conducted an informal hearing in Las Vegas on the concerns of American Indians living on a reservation in Clark County. The reservation lacked public facilities and had inadequate water and sewage lines. The Advisory Committee brought this to the attention of city and county officials and criticized them for allowing this situation to exist. The chamber of commerce, citizens' groups, and city and county officials instigated a drive to construct a public building on the reservation and remedy the lack of sewer and water lines. At the same time, a different group launched a campaign to "remove the vigorous" members of the Nevada Advisory Committee; that effort failed.

Housing

In 1969 the Nevada Advisory Committee provided information to the State legislature on proposed open housing legislation. The bill lost by one vote, but in 1971 one of the Nation's strongest housing bills was passed by the Nevada Legislature.

Prisons

In response to concerns raised about the Nevada State prison system, a subcommittee of the Nevada Advisory Committee to the U.S. Commission on Civil Rights was formed in late 1973 to study penal reform and complaints alleging that parole decisions were discriminatory.

In April 1974 the prison reform subcommittee met to review preliminary research data and recommended that the Advisory Committee hold a public hearing on the parole system on July 19 and 20, 1974, in Carson City, the site of State

prison facilities and the residence of State parole officials. Eighteen witnesses appeared before the Advisory Committee during the 2-day hearing, including prison administrators, parole board commissioners, prison staff, parole office administrators, parole officers, inmates, parolees, and others concerned with penal reform in Nevada.

The administration of the parole system in Nevada was overseen by the Nevada State Board of Parole Commissioners. The five members appointed by the Governor served 4-year terms, but it was not a full-time board. The board had considerable discretion in determining the suitability of a prisoner for parole.

The actual day-to-day supervison of the parolee was the function of the Nevada State Parole and Probation Department staff. One of the goals of the department was to assist the inmate in the initial stages of the reintegration process. The Advisory Committee examined the interrelationship and interdependency of these three major elements—in-prison procedures, parole board, and parole supervision.

Throughout 1975 the Advisory Committee monitored the parole situation and gathered additional data on the parole process. During this period the State department of parole and probation and the Nevada State Prisons initiated changes in practices which had been questioned by those providing testimony at the Advisory Committee's hearing. For example, parole rules were not in written form at the time of the Advisory Committee hearing, but are now printed and available to all parolees.

In a March 1975 memorandum the Nevada State Prison warden changed the policy regarding inmates' access to their files. The warden wrote:

> Effective immediately inmates are to be allowed to read their material which is presented to the Board of Parole Commissioners. They should do this while it is in draft form so that if they can point out any verifiable inconsistencies or incorrect statements it can be modified. They are not to be given a copy of the report, however, they are to be allowed to read the full report of everything that is presented to the Parole Board prior to your recommendations.

To ensure that the inmate has been informed of the report's contents, he or she is now requested to sign a form attesting to the fact that the report has been read and discussed with the counselor.

In September 1975, the Nevada State prisons opened a pre-release center in Las Vegas. Now, 90 days prior to an inmate's release on parole, he or she can be moved into this center for employment placement and counseling, family counseling, reorientation to community living, and a variety of other services not available to the inmate while confined in prison.

The Advisory Committee's report, *In the Gray Shadow: Parole in Nevada*, was released in 1976. A major recommendation was that the State legislature enact a bill establishing a full-time parole board. Nevada's Governor recommended to the State legislature that this recommendation be enacted, and the State senate finance committee has approved the Governor's legislation.

Unfinished Business

Throughout its history, the Nevada Advisory Committee has been involved in pointing out civil rights inequities in the State. The Advisory Committee has monitored and studied a number of incidents with civil rights implications.

The Advisory Committee has monitored the attempt to obtain ratification of the Equal Rights Amendment by the Nevada Legislature, particularly the legislation's progress through the State house. The resolution was defeated in 1973 and 1975. In 1977, on its third attempt, the measure was approved by the senate judiciary committee and sent to the floor for a vote. The resolution cleared the full State senate, but was defeated in the assembly 24 to 15.

The Advisory Committee continues in its role of raising significant concerns of minorities and women, knowing that only through increased awareness of problems can solutions be devised.

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New Hampshire

New Hampshire had a population of 737,681 in 1970. The largest single ethnic minority group is Franco Americans, and the 1970 census listed 112,559 persons or 16.6 percent of the total with French as their mother tongue. However, many other English-speaking Franco Americans would not be included in the "mother tongue" category. The New Hampshire Commission on Human Rights estimates that Franco Americans in aggregate make up as much as 30 percent of the total population.

In 1970 there were 2,667 blacks or 0.4 percent of the total and 2,681 Hispanics or 0.4 percent of the total.

The State planning department estimates that the population had grown to 826,000 by 1976, an increase of approximately 12 percent. The black population is growing fast and the New Hampshire Commission on Human Rights estimates that there were approximately 6,000 blacks in the State in 1976.

This increase of almost 125 percent is due in part to the undercount of minorities in the 1970 census and to the growing migration of blacks to the New England States. The estimate is supported by a growing number of black students in the State's major cities.

Although the 1970 census estimates that the Indian population is 361, Indian leaders estimate the actual number of permanent Indian residents to be approximately 1,200. New Hampshire Indians include members of both Abenaki and Wabanaki tribes.

Official and private sources indicate that the Hispanic population has grown markedly.

Franco Americans are concentrated in the larger urban areas and in the northern part of the State. Blacks are concentrated in Portsmouth, and Hispanics in the Manchester and Nashua areas.

Although there is very little hard data, it is generally agreed that a high percentage of Franco Americans earn significantly less than other groups in the State. Their low economic level was confirmed in part by a New Hampshire Advisory Committee review of employment in State government. That study showed that Franco Americans made up 17 percent of the State work force but held 30 percent of the jobs under $6,000.

Black families earn less than white families but the difference is not as great as in other States. In 1970 the median income for black families was $7,838 while the median income for white families was $9,703. However, a total of 6.9 percent of all black families received public assistance and 11.7 percent earned less than the poverty level. For white families 2.4 percent received public assistance and 6.6 percent earned less than the poverty level.

New Hampshire has the lowest unemployment rate among the New England States. According to the New Hampshire Department of Employment Security, in 1976 the State's unemployment rate was 5.0 percent. The State has a relatively high percent of working women and in 1970 women made up 38.6 percent of the total work force. However, women earn significantly less than men. In 1970 the median income for men was $6,309 and for women $2,343.

Of particular interest to the Advisory Committee is the amount of Federal funds coming into the State. Most Federal programs require nondiscrimination and affirmative action with respect to employment created by Federal funds and require nondiscrimination in the distribution of benefits of such programs. In 1976, New Hampshire received $212,591,000 in Federal funds.

Civil Rights Developments

Enforcement

For several years, the State refused to file employment statistics by race, ethnic group, and sex as required by Federal law. In 1974 the State's failure to file the required EEO–4 forms with the U.S. Equal Employment Opportunity Commission (EEOC) came to the attention of the New Hampshire Advisory Committee during its review

of equal employment opportunity in State government. The Advisory Committee asked the Commission on Civil Rights to intervene and the Commission referred the problem to the EEOC.

As a result, the Civil Rights Division of the U.S. Department of Justice filed suit against the State in Federal district court. In December 1975, the court ruled that EEOC was "entitled as a matter of law" to the data. The State's appeal was denied. In February 1976 the State filed the EEO–4 forms for the 3 years it had been delinquent.

Nonetheless, several civil rights-related efforts have been initiated in State government. The New Hampshire Commission for Human Rights, created by legislation in 1965, is the only civil rights enforcement agency in the State. Amended in 1971, 1973, and in 1975, the commission has jurisdiction over discrimination on the basis of race, color, national origin, religion, sex, age, marital status, and physical and mental handicaps. The agency has enforcement and subpena powers, may investigate complaints of discrimination, and may issue cease and desist orders. Its orders are enforceable through the courts and may be appealed through the State supreme court.

According to the State human rights commission's director, one indication of the lack of concern with civil rights in the State is the continuing underfunding of the commission. Another indication is the tabling of house bill no. 528 in the 1977 legislative session, which called for funds for a State equal employment opportunity office.

The commission on the status of women was created in 1972. It serves in an advisory capacity on issues related to women and promotes women's activities throughout the State. It has been criticized for taking a relatively conservative position on many issues; for example, it opposes elective abortions.

There is no State Indian affairs agency and New Hampshire is the only New England State without such a body.

Employment

The underrepresentation of minority groups and women in most employment systems in the State is a prime concern of civil rights and women's groups in the State. In 1974 the New Hampshire Advisory Committee began a review of equal employment opportunity in State government. Because data were not available for the entire State government work force, the Advisory Committee requested information from selected agencies in Manchester, Portsmouth, Nashua, and Berlin. From its analysis, the Advisory Committee concluded that blacks and other nonwhites were virtually absent in State government, and women and Franco Americans were concentrated in the lower salary positions.

Following the Advisory Committee's first meeting with Governor Thomson to discuss this study, the Governor issued an executive order on equal employment opportunity in State government in August 1975. This order requires nondiscrimination, but not affirmative action of all State departments. Specifically, the order requires that "all State departments and agencies adhere to the concepts and principles put forth by Federal and State laws in assuring all people equal employment opportunities in New Hampshire." Since the executive order requires only nondiscrimination, which is clearly required by Federal law, it does not add any protection for the State's citizens. The Advisory Committee was concerned that the Governor's executive order was not given wide publicity.

Education

As early as 1971, the New Hampshire Advisory Committee monitored racism in the public schools in a study of Portsmouth High School. As a result of the study, the Portsmouth Jaycees established an independent factfinding committee which concluded there was a need to sensitize the school administration to the "awareness of black needs and views in the areas of semantics, guidance, and counseling."

The Advisory Committee has also maintained an interest in the needs of linguistic-minority students, primarily Franco American and Hispanic students. Following several interviews with school department staff, parents, and interested citizens in Manchester and Nashua, the Advisory Committee filed a complaint with the Office for Civil Rights of the U.S. Department of Health, Education, and Welfare charging that the Manchester school system was in violation of Federal guidelines for linguistic-minority students because they were housed with the mentally retarded. Following a compliance review initiated because of the Advisory Committee's complaint, HEW found the school system out of compliance.

Women's Issues

New Hampshire ratified the Federal equal rights amendment in 1973. In a referendum, in 1974, voters approved a State ERA which was a broad prohibition of discrimination on the basis not only of sex, but also of race, creed, color, or national origin.

Other legislation involving women's rights, however, has not fared as well. In the past legislative year, the following bills were killed before they reached a floor vote:

- House bill no. 563, which would have established a reporting and prosecution unit of sexual assaults;
- House bill no. 862, which would have established a family review board for proceedings in cases where child support has been contested;
- House bill no. 867, which would have required telephone companies to list wives as well as husbands in telephone directories.

Administration of Justice

The New Hampshire prison system has been of longstanding interest to the Advisory Committee. In March 1974 the Advisory Committee held an informal hearing on the State correctional system in order to provide information for the U.S. Commission on Civil Rights project to set minimal standards for the civil rights of inmates. As part of the review, the Advisory Committee conducted a thorough review of the State prison. Following the hearing, a number of changes occurred at the prison, including the resignation of the warden.

In 1976 the Advisory Committee shifted its focus to corrections on the county level and to the other diverse elements of the State's correctional system. In May 1977 it held three conferences in the Concord, Manchester, and Portsmouth areas on pending legislation to establish a unified correctional system for the State. At each conference, participants toured the county house of correction for that area. Following one of these conferences, the county commissioners announced their intention to close the Hillsborough House of Correction in the Manchester area.

Unfinished Business

There is an acute need in New Hampshire to enforce existing civil rights legislation and, because of the relative dearth of State action, to translate Federal legislation into agencies and other mechanisms at the State and local level to make equality of opportunity for minorities and women a reality.

Employment remains a major concern of women's and minority groups. As indicated in the Advisory Committee's study of equal employment opportunity in State government, much remains to be done in this area. The failure of the State to establish affirmative action procedures for all State agencies is particularly noteworthy. New Hampshire and Vermont are the only States in the northeast which have not established such procedures.

There is also a need to establish special programs to meet the educational needs of non-English-speaking students. Franco American and Hispanic students would benefit from increased bilingual-bicultural programs. Based on informal complaints received by the Advisory Committee, the affirmative action efforts of institutions of higher education in the State should be reviewed.

The needs and rights of women deserve a high priority. In addition to the need for affirmative action in public and private employment, a number of other areas need attention, including studies of procedures and services for battered women, rape prevention and treatment, child care, and reproductive choice. Sexism and racism in textbooks and other materials used by the public schools should be reviewed. The elderly, both rural and urban, are another concern. Finally, many changes are still needed in the prison system.

Based on its review of the various elements of the State's prison system, the Advisory Committee has recommended that: (1) after wide public participation and discussion, the general court should enact a bill creating a department of corrections and incorporating the diverse elements of the State correctional system, and (2) the various county commissioners should establish machinery to increase citizen awareness and participation in programs in the county houses of correction.

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New Jersey

According to the 1970 census, New Jersey had a population of 7,168,164 persons of whom 3,700,791 were women. Approximately 10.7 percent of the population was black and 4.3 percent Hispanic. In 1976 when the total population had grown to 7,431,750, the Puerto Rican Congress, the major Hispanic organization in the State, estimated that the Spanish-speaking population had grown to 584,494. In addition to Puerto Ricans, the Hispanic community includes Cubans and a growing number of Central and South Americans. A conservative estimate of the black population in 1976 was 778,000.

The 1970 census reported other minorities as 0.6 percent. A portion of this group is a growing Portuguese population, primarily in Newark.

Minority populations are concentrated in the urban centers. Trenton is the State capital and the fifth largest city. Of 104,638 residents, 37.9 percent were black and 3.6 percent Hispanic. Newark is the largest city with 382,417 residents, 54.2 percent black and 12 percent Hispanic. Of 260,545 persons in Jersey City, 21 percent were black and 9.1 percent Hispanic. Paterson and Elizabeth also have relatively large minority populations.

In 1976, according to the New Jersey Department of Labor and Industry, there were 3,336,700 persons in the State's labor force, an increase of 9.5 percent over 1970. The unemployment rate for the State as a whole was 9.0 percent, but it was significantly higher for the larger cities. Newark had an unemployment rate of 15.2 percent, Jersey City, 11.8 percent, and Paterson, 15.5 percent.

Minority families continued to earn significantly less than white families. In 1970 in Newark, the median income was $5,437 for Hispanic families and $6,742 for black families, while the median income for white families was $7,735. Similarly, the proportion of families receiving public assistance or earning less than the Federal poverty level income is higher among minorities.

Civil Rights Developments

The Division on Civil Rights of the New Jersey Department of Law and Public Safety, established in 1945, is the primary civil rights enforcement agency in the State. Originally prohibiting discrimination on the basis of race, creed, or national origin, the law has been amended several times, and includes a ban on discrimination on the basis of age (1962) and sex and marital status (1970). The law covers employment, housing, and public accommodations. Recent amendments prohibit blockbusting (1973), discrimination in credit or financial transactions (1975), and contain a provision for treble damages against any New Jersey company which engages in a boycott (1977). This provision is aimed at companies participating in the Arab boycott of firms doing business with Israel.

The effectiveness of the division on civil rights has been threatened in recent years by efforts to cut its jurisdiction and powers. The division lost jurisdiction over education, civil service, and insurance claims when the State attorney general decided that other State agencies could handle these complaints. An appellate division decision restoring jurisdiction over education complaints has been appealed to the State supreme court.

Another setback occurred when the New Jersey Supreme Court held in *Lige v. Montclair* that the division had no authority to impose quotas to remedy discriminatory employment practices. According to division staff, this ruling has not only restricted the division's enforcement powers but has also made employers resistant to accepting less stringent corrective remedies, such as goals and timetables.

A division on women was established in 1970 and reorganized in 1974. It is aided by an advisory commission on the status of women. The division does research on women's issues and lobbies for legislation related to women. It has established a 24-hour hotline to provide general information and referrals on special programs for women.

In 1974, in response to pressure from the Hispanic community, the Governor set up an office of Hispanic affairs in the department of community affairs to monitor the activities of Hispanic community service agencies and to distribute social service funds.

Employment

Jobs remain a prime concern of minority and women's groups, with the minority unemployment rate exceeding 15 percent in larger New Jersey cities, persisting unemployment and underemployment of women, and the continuation of hiring freezes in both public and private sectors. A 1965 order which established a policy of nondiscrimination in State government was replaced in June 1975 by executive order no. 14, requiring all State departments to develop affirmative action plans and appoint affirmative action officers. The New Jersey Advisory Committee to the U.S. Commission on Civil Rights reviewed and commented on a draft of the order before it was issued and several of its recommendations were incorporated into the final document. Some progress has taken place in hiring and promoting a greater number of minorities and women in State government. In 1972 minorities made up 18.8 percent and women 46.1 percent of the work force. However, both groups were underrepresented at the higher salary and professional categories, where minorities held 4.9 percent and women 8.8 percent of the jobs. By 1977 minorities held 8.0 percent and women 14.8 percent of the official and administrative positions.

In 1975 the State legislature passed Public Law 127 requiring all contractors with State and local governments to submit an affirmative action plan as part of a contract bid. In early 1977 the treasurer's office, which has enforcement responsibility, issued draft regulations to implement the law. Advisory Committee efforts in employment include support for community groups demanding a broad affirmative action plan covering the construction of the New Jersey College of Medicine and Dentistry and for a similar effort regarding the construction of Newark airport.

The issues of layoffs and seniority have seriously threatened affirmative action in New Jersey as elsewhere in the Nation. A major setback occurred in 1975 in the *Jersey Central Power and Light* case, when a Federal circuit court ruled that a seniority system is not illegal, even if it perpetuates past discrimination, unless the intent of the system is discriminatory. The court held that the utility company's collective bargaining agreement to lay off employees on a "last hired, first fired" basis superceded a conciliation agreement with the U.S. Equal Employment Opportunity Commission. The rationale of this decision was affirmed by the U.S. Supreme Court's 1977 decision in *East Texas Motor Freight v. Rodriguez*.

Education

In 1970 the State board of education established a policy of desegregation and issued regulations which require the student population of all schools to vary no more than 10 percent from the racial distribution of the pupil population of the district. Although the commissioner of education has the authority to impose a desegregation plan, the State office of equal educational opportunity generally relies on voluntary efforts of the school systems. However, the board has found that of the 101 districts covered by the regulations, approximately 10 are not in compliance. The commissioner withheld State funds from the Roselle School District when the school district failed to desegregate. After the desegregation order was upheld by the courts, the commissioner imposed a desegregation plan which is now in effect. The remaining districts are still challenging the regulations.

Significant steps have been taken in the area of bilingual education. Ten school districts are being monitored for compliance with the *Lau v. Nichols* ruling that school districts must meet the needs of students whose primary language is other than English. In January 1975 the legislature passed a law requiring a full bilingual program in any district with 20 or more limited English-speaking students. In July 1976 there were 40 school districts covered by the law and providing bilingual programs, primarily in Spanish but also in Portuguese, Italian, and French. The office of bilingual education and Hispanic groups agree that nearly all the bilingual programs in the State are in less than full compliance.

In 1975 the State supreme court held that use of a local property tax to finance public education denied equal educational opportunity to students from less affluent communities. At that time, the State paid approximately 21 percent of the educa-

tional funds. The court ordered the State to close the schools until it found an alternative method of financing. The schools were opened shortly thereafter when the legislature passed Public Law 212 providing for an income tax to finance approximately 41.5 percent of educational funds.

Finally, Title VI of the Education Law of 1975 requires all school districts to appoint an affirmative action officer, to develop an affirmative action plan, and to review their curriculums for race and sex bias. A three-person staff in the State office of education is responsible for reviewing the plans of the 589 school districts in the State. The Advisory Committee is concerned that in light of this workload the substantive review will be inadequate.

Housing

The Advisory Committee has received complaints of systematic housing discrimination through zoning, redlining, racial steering, and displacement of minority groups in newly developing areas. New housing in developing suburban areas is too expensive for most lower- and moderate-income persons, including the large majority of minority group members. This fact becomes increasingly significant because of the high unemployment rates in the cities and the development of new jobs in industrial parks in the suburbs.

In the 1975 Mt. Laurel decision, the New Jersey Supreme Court limited exclusionary zoning regulations, holding that a developing township cannot zone only for the welfare of its own residents but that each municipality must bear its fair share in meeting the region's low- and moderate-income housing needs.

The Hackensack Meadowlands Development Commission is the first agency in the State with regional authority in land use planning. Its mandatory land use plan requires housing for low- and moderate-income people and, as an incentive to develop such housing, provides for sharing of tax revenues among 19 northern New Jersey municipalities.

Other efforts in the housing area include an anti-redlining bill, passed in 1977, and a major class action suit which charges that Bergen County real estate brokers engage in racial steering throughout the county.

Prisons

As part of its longstanding concern with the New Jersey prison system, the Advisory Committee interviewed approximately 100 inmates in 1973, and in February 1974 held an informal hearing in Trenton on prison conditions. The study was part of the U.S. Commission on Civil Rights' national prison project to establish minimal standards for the civil rights of inmates. The Advisory Committee made a number of recommendations in the areas of discipline, health and medical care, legal services, and programs for Hispanic inmates. Many of these recommendations, such as a clear, written code of offenses and punishments, were implemented. However, the Advisory Committee continues to receive complaints on the same issues.

The Advisory Committee is also concerned about the status of female inmates. It has received allegations that more young women are tranquilized than young men, that physical education programs are inadequate, and that vocational education courses are out of date. For example, the prison offers a course for beauticians, but State law prohibits former offenders from working in beauty salons.

Women's Issues

New Jersey ratified the Federal Equal Rights Amendment in 1972. A State ERA was defeated in 1975. The right to elective abortions has been a source of continuing controversy in the State. During 1975–76 the Advisory Committee conducted a survey of the State's five general public hospitals and found that four were not performing abortions. The U.S. Supreme Court's decision that public hospitals are not constitutionally required to perform elective abortions may inhibit activities in this area, but the New Jersey Supreme Court has held that under State law, if staff doctors in private hospitals wish to perform abortions, they must be permitted to do so.

The recent ruling of the United States that each State may determine whether medicaid funds may be used for elective abortions makes the State's policy on this issue even more ambiguous. The Advisory Committee believes that the State should use medicaid funds for abortions because a more restrictive policy burdens poor women, many of whom are minority, by denying them the right to make the choice without financial considerations.

The problem of domestic violence has also received increasing attention. Shelters for battered women are being opened, and support and counseling organizations have been established throughout the State. Nonetheless, much needs to be done to provide funds for those programs already in existence, to create new ones, and to sensitize the police, the courts, and all elements of the criminal justice system to the issue.

Hispanic Issues

During the 1974 Labor Day weekend, civil disorders erupted in Newark following a confrontation between the Hispanic community and Newark police at Branch Brook Park in the city. Two Puerto Ricans were killed during the disturbance. A grand jury subsequently indicted unidentified police officers for the slaying and asserted that the policemen's identities had been covered up by a "conspiracy of silence." The police officers have never been identified or brought to trial. The grand jury also charged that the police had "overreacted" to the violence.

Hispanic leaders told the Advisory Committee that poor housing, high unemployment, low educational achievement, and a general sense of powerlessness in regard to the political and decisionmaking machinery of the city contributed to the unrest in the Hispanic community.

Following discussions with city officials and community leaders, the Advisory Committee reviewed the extent of Hispanic participation in the city's Comprehensive Employment and Training Act (CETA) programs. It found that Hispanics were underrepresented as staff in all the CETA programs and as clients in the public service programs, one of the two major employment programs. As a result of this study, the city of Newark reevaluated its own estimate of the Hispanic CETA-relevant population and, for the first time, set specific goals for Hispanic participation.

Hispanic persons are the fastest growing and the poorest minority group in New Jersey, and similar problems exist throughout the State. In order to make government services available to this population, the State needs to provide interpreters in the courts and throughout the criminal justice system and Spanish-speaking staff at all levels of State and local government, particularly in policymaking positions and in outreach services.

Unfinished Business

Although New Jersey has some of the strongest civil rights laws in the country, continued activity is necessary to effect meaningful change in the lives of New Jersey residents. Among the items of unfinished business are:

- State Government: Efforts are needed to maintain the authority of the State's division on civil rights, to increase the funding and authority of the office of Hispanic affairs, and to focus the attention of the division of women on issues such as abortions and the needs of Hispanic women.
- Employment: Continued unemployment and attacks on affirmative action threaten those gains that have been made. Efforts must be continued to consolidate gains in government employment, particularly in the employment of Hispanics. Based on the funding level of the contract compliance office and complaints from the community, the Advisory Committee has seen little evidence of commitment to implementing the 1975 law.
- Education: If fully implemented, the bilingual education law would provide greatly improved educational services to students of limited English ability. Few districts, however, have committed themselves to full bilingual programs. The staff and resources of the office of equal educational opportunity need to be increased to permit it to adequately monitor curriculum and affirmative action in all school districts.
- Housing: Minorities continue to be excluded from decent housing because of individual bias and systematic policies like redlining and exclusionary zoning. A new concern is displacement of black and Hispanic residents in Atlantic City because of inflated land values connected with legalized gambling.
- Corrections: Continued monitoring of conditions in the prisons is essential to protect the civil rights of inmates.
- Women's Issues: A woman's right to decide whether or not to have an abortion has become more precarious in light of State policy on public funding of abortions. Services for battered women and reform of policies of the police, courts, and social service agencies are urgently needed.

• **Hispanic Issues:** In addition to suffering from the various discriminatory patterns experienced by all minority group members, Hispanics also suffer from the inadequacy of the educational system and a language barrier in receiving government services.

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New Mexico

According to the 1970 census, slightly more than 400,000 or approximately 40 percent of New Mexico is Mexican American and about 19,500 or less than 2 percent is black. Nearly 72,000 American Indians live in New Mexico, constituting about 7 percent of the population. The State's total population, as estimated for mid-year 1975 by the University of New Mexico, was 1,147,000. Approximately one-third of the population is concentrated in the Albuquerque Standard Metropolitan Statistical Area (SMSA), and Mexican Americans also constitute nearly 40 percent of the population in the metropolitan area.

In a special survey undertaken by the New Mexico Commission on Indian Affairs in 1972 to update census figures, it was determined that about 80,000 Indians reside in the State. The vast majority, approximately 64,000, live on the State's 26 reservations, the largest of which is the Navajo Reservation.

The median family income for the State is $7,849. The median for white families is $8,117; for Mexican American families, $6,057; for blacks, $5,204, and for American Indians, $4,327. A high incidence of poverty characterizes the Indian population with more than 50 percent earning incomes below the poverty level.

The median number of school years completed by persons 25 years old and over in New Mexico is 12.2 years. For Indians, however, the median is 8.1 years; for Mexican Americans, 9.7 years; for blacks, 10.9 years; and for whites, 12.2 years.

The civilian work force 16 years old and over consists of approximately 431,088 persons. As of 1975 the New Mexico Employment Security Commission determined that the State's unemployment rate was 7.2 and the rate for minorities was 9.7.

The Bureau of Indian Affairs has estimated that in 1972 approximately 11,000 Indians, or about 38 percent, were unemployed and another 5,230 were classified as underemployed. On many reservations in New Mexico, nearly 50 percent of the Indian labor force is either unemployed or underemployed.

Civil Rights Developments

Voting Rights and Political Participation

In 1975 Congress amended the Voting Rights Act to strengthen the 15th amendment which concerns voting rights of citizens with a limited knowledge of English. The minority language requirements of the Voting Rights Act are intended to ensure that American citizens are not deprived of the right to vote because they cannot read, write, or speak English. In New Mexico all 32 counties are covered by this section of the act.

As of March 1, 1976, three New Mexico counties (Curry, McKinley, and Otero) were covered by the more stringent provisions of the Voting Rights Act, wherein all changes in electoral laws and practices must be submitted for Federal clearance and Federal examiners and observers can be designated (sections V and VI). In 1976, however, the State was successful in obtaining Federal court relief which ended the special coverage in the three counties.

In 1977 New Mexico had 11 minority State senators, 17 minority representatives. Overall, minorities constitute about 25 percent of the State legislature. The Governor of New Mexico, Jerry Apodaca, a Mexican American, was elected for a 4-year term in 1974.

Women's Issues

The New Mexico Legislature not only ratified the Federal Equal Rights Amendment but in 1972 also passed a State equal rights amendment. The State measure was approved in a general election, and subsequently, many State laws have been changed to comply with the State ERA.

New Mexico has enacted a progressive abortion statute. As currently applied, any woman can obtain an abortion during the first 6 months of pregnancy. During the final 3 months, she may be refused unless such a procedure is necessary to protect her life or health. To obtain an abortion,

a woman does not have to be a resident of New Mexico, nor does she need her husband's or parent's permission. However, if she is under the age of 18 years, the consent of a parent or guardian is required.

Education

Education has consistently been a major civil rights issue in New Mexico. The U.S. Commission on Civil Rights has undertaken considerable research in this area with its Southwest Indian Project and the six-volume study of Mexican American Education. The New Mexico Advisory Committee has expanded the scope of these research efforts. The results indicate that minorities face significant obstacles when they enter the State's public school systems.

For example, a Mexican American student's chance of dropping out of school before the 12th grade is 1.4 times greater than that of the Anglo student, while the American Indian's chance is 1.6 times greater. Minority students are also less than half as likely as Anglos to proceed to a higher education. While 25 percent of Anglo fourth graders in New Mexico schools surveyed by the Commission are reading below grade level, nearly twice this proportion (48 percent) of Mexican Americans are reading below grade level.

The poorest reading achievement is found among Indian students. More than half (52 percent) of the Indian children in the Commission's New Mexico sample are deficient in reading proficiency by the time they are in the fourth grade. Statistics for grade repetition are also very revealing. Based on the Commission's study, 8.5 percent of Anglo students in New Mexico are required to repeat the first grade, compared with 14.9 percent for Mexican Americans and 19.0 percent for blacks.

With respect to ethnic isolation within school systems, the study found that 75 percent of Mexican Americans in the elementary schools attend predominately Mexican Americans schools—at the secondary level, the percentage drops to 60 percent. With 38 percent Mexican American student enrollment, only 16 percent of the teachers are Mexican American, and 70 percent of all Mexican American teachers are assigned to predominantely Mexican American schools.

In an important decision based on *Lau v. Nichols*, the U.S. Court of Appeals for the Tenth Circuit ruled that the Portales, New Mexico, municipal schools discriminated against non-English-speaking students by failing to provide bilingual educational programs to Spanish-surnamed children. The court noted the factual similarity to the situation that led to the *Lau* decision. In Portales Spanish-surnamed students, most of whom were deficient in the English language, were placed in public schools that were required by law to conduct classes in English. Despite the lack of demonstrated discriminatory intent on the part of the school board, the court concluded that the board had discriminated against Spanish-surnamed children on the basis of national origin by not providing them with a meaningful education (*Serna v. Portales Municipal Schools*).

In 1974 the State legislature passed a progressive school finance reform measure, the "State Equalization Guarantee." The effect of equalization is that the State now provides approximately 83 percent of all statewide school expenditures. Furthermore, the formula established in the law virtually guarantees that the amount of funds spent for each child stays the same throughout New Mexico.

The New Mexico Advisory Committee conducted an informal hearing in 1968 in Clovis, an eastern New Mexico community bordering on the Texas panhandle. Many witnesses were concerned about the public schools' insensitivity to Mexican American concerns. Parents and students testified about personal experiences which had affected them. Language barriers and other forms of exclusion and isolation from full participation in educational issues were emphasized.

Administration of Justice

The U.S. Commission on Civil Rights and its New Mexico Advisory Committee have received a steady flow of complaints from citizens in New Mexico alleging unwarranted police action and the excessive use of force. Several significant examples of alleged abuses were documented in the Commission's 1970 report, *Mexican Americans and the Administration of Justice in the Southwest*.

Probably the best known case involved the reported efforts of law enforcement officials to prevent political organization of Mexican Amer-

icans in northern New Mexico in a series of incidents culminating in the "Tierra Amarilla raid" in June 1967.

An organization known as the Alianza Federal de Mercedes was formed in 1963 with a stated goal of improving the status of Mexican Americans in the Southwest. A meeting of the Alianza was scheduled for June 1967 in a small community in the northern county of Rio Arriba. Subsequently, many Mexican Americans charged that the district attorney as well as other law enforcement officials used their powers to discourage and intimidate persons planning to attend the meeting.

In early June the district attorney ordered the arrest of 11 officers of the Alianza, some of whom were taken to the courthouse in Tierra Amarilla for arraignment. Several Mexican Americans then attempted what they described as a "citizen's arrest" of the district attorney and violence resulted.

Soon after the Tierra Amarilla disturbance, armed sheriffs, deputies, State policemen, and National Guardsmen surrounded the picnic grounds where the meeting was to be held and reportedly kept men, women, and children by force for more than 24 hours without adequate shelter or drinking water. Many charges of physical and mental abuse were later alleged by participants against law enforcement officers.

In 1972 the New Mexico Advisory Committee conducted hearings in Sante Fe to obtain more specific information about problems in the criminal justice system. More than 40 witnesses voluntarily testified including judges, public officials, law enforcement officers, and complainants.

The Advisory Committee heard many complaints of alleged use of excessive force by police officers, as well as other problems involving police-community relations. The report later released by the Committee established that many minority citizens look upon the courts, the police, and the entire judicial system in the State with distrust.

The New Mexico Advisory Committee and the U.S. Commission on Civil Rights have urged the U.S. Department of Justice to intercede in several civil rights cases involving the deaths of minorities, but have been unsuccessful in obtaining such intervention.

Employment

The U.S. Commission on Civil Rights conducted hearings in Albuquerque in November 1972 and employment of American Indians was an issue of grave concern. Particularly significant was the fact that New Mexico State government agencies employed only 198 Indians out of a total work force of 10,557 State employees. While Indians represented 7.2 percent of the State's population, they occupied only 1.9 percent of the State's jobs. Furthermore, only 20 State agencies of a total of 73 employed any Indians at all.

In May 1974 the New Mexico Advisory Committee held followup hearings in Santa Fe to determine if progress had been made since the Commissioner's 1972 hearing on the State's hiring practices. The Advisory Committee found that in March 1974, 237 or about 2 percent of the nearly 12,000 persons employed by the State were Indians. From December 1971 to March 1974, the number of employees in State government had increased by about 1,340. During this same period, the number of Indians employed in State government had increased by 36, and only 28 State agencies out of a total of 74 employed any Indians at all. Furthermore, more than 70 percent of all Indians employed by the State were concentrated in three agencies.

Testimony before the Advisory Committee reflected not only many serious employment barriers within the State personnel system but also extreme ignorance of affirmative action concepts and insensitivity toward the needs of Indian people. The Advisory Committee also found that while blacks constituted 1.9 percent of the State's population, they received only 0.9 percent of State government jobs.

Recent Commission research reflects that, as of June 1976, Indian employment in State government still represents a meager 2 percent and black employment has increased slightly to 1.01 percent of the total work force.

Employment discrimination at the local level was an issue of great concern during the Advisory Committee's informal hearing in Clovis. Numerous witnesses alleged that both private and public sectors discriminated against Mexican Americans and blacks in all aspects of employment—recruitment, hiring, training, promotions, salaries, and terminations. The Advisory Committee found that minori-

ties in Clovis do not share proportionately in the economy, and their participation in the job structure is limited to menial and dead end jobs.

Indian Civil Rights

In a major challege to employment preference for Indians in New Mexico in the Bureau of Indian Affairs (BIA), non-Indian employees brought a class action suit claiming that the Indian preference provision provided by the Indian Reorganization Act of 1934 contravened the antidiscrimination provisions of the Equal Employment Opportunities Act of 1972. A three-judge court rendered judgment in favor of the plaintiffs, holding that Indian preference was implicitly repealed by the 1972 Act. The Supreme Court reversed the decision and held that employment preference for Indians in the BIA did not constitute invidious racial discrimination but was reasonable and designed to promote Indian self-government (*Morton v. Mancari*).

Indians have a high infant birth rate, a high infant mortality rate, and a short life expectancy. Tuberculosis still plagues American Indians and its occurrence is nearly eight times the national average. Alcoholism causes 6.5 times as many deaths among the Indian population as among the general population and the suicide rate is twice the national average.

The Indian Health Service—formerly a part of BIA but now a part of the Department of Health, Education, and Welfare—is responsible for the health care of the Indian population. The Commission's *Southwest Indian Report* (May 1973) shows that the Indian Health Service is seriously underfunded and understaffed and lacks the capacity to meet the health needs of the Indian people adequately, both on and off reservations.

In April 1974, the bodies of three Navajo men were found in separate locations in the rugged canyon country near Farmington, their bodies severely beaten, tortured, and burned. The brutality of these three crimes provoked immediate and angry outrage from the Navajo community. The tranquility which had seemed a way of life in Farmington was abruptly ended. Much of the Anglo community in Farmington found itself not only ill-prepared to deal with the ensuing crisis, but confused, threatened, and frightened. A number of dramatic activities were conducted by Indian organizations in Farmington and throughout the State to call attention to what these groups felt was a long history of racial discrimination against Indians in the northwestern part of New Mexico.

In response to the crisis in Farmington, a 3-day hearing was convened there by the New Mexico Advisory Committee in August 1974 to hear testimony concerning civil rights issues affecting American Indians in the Farmington area. More than 85 individuals, representing a broad cross section of the Indian and non-Indian communities provided detailed information on several critical issues, including the administration of justice, economic development, employment, health services, and community attitudes. The national media provided extensive coverage.

The Equal Employment Opportunity Commission filed charges against the city of Farmington soon after the New Mexico hearing. The EEOC district office in Albuquerque recently issued a letter of determination and it is possible that the case may ultimately be referred to the U.S. Department of Justice.

Litigation was filed in 1974 by DNA, Navajo Legal Services, charging San Juan County Hospital (near Farmington) with refusal to treat Indians in the emergency room on the same basis as non-Indians. The Federal district court in Albuquerque dismissed the case, but the U.S. Court of Appeals for the Tenth Circuit ruled that the district court had erred and remanded the case for further proceedings.

The Department of Justice intervened in May 1976 and was successful in obtaining a consent degree in December 1976 requiring the hospital to provide equal emergency room treatment for American Indians.

Inaccessibility of adequate emergency health care for Indians in San Juan County was a major issue addressed at the hearing in Farmington conducted by the New Mexico Advisory Committee.

Unfinished Business

Water rights are extremely important in the West, especially to Indians, for only if their water rights are respected and protected by the Federal Government can Indians maintain their reservation lifestyle. Their grazing lands, herds, crops, and the game they hunt are dependent on an adequate supply of water.

Early in this century, the United States Supreme Court recognized that reservation Indians had retained their right to use water found on the reservation. The *Winters* doctrine established that the right to use the water was not given up when various tribes ceded some of their homelands to the United States.

The New Mexico Advisory Committee is dedicated to continuing its efforts toward promoting equal rights and opportunities. New Mexico ranks 45th in per capita income by State and this economic disadvantage disproportionately affects minorities.

The United States acquired the territory of New Mexico as a result of the Treaty of Guadalupe-Hidalgo which ended the U.S.-Mexican War of 1846. The impact of this on the native population was profound. The new government proceeded to impose its system of law upon the territory, resulting in the loss of title to vast amounts of land for persons of Spanish orign. As a conquered people, Indians were forced to give up almost all of their land in exchange for limited protections and guarantees, many of which have not been fulfilled by the Federal Government.

The civil rights problems which evolved from this history have not been entirely eliminated despite significant progress in certain areas. Among the several most important areas requiring additional civil rights attention in New Mexico are the following:

- Education: Because of the high number of Mexican Americans and Indians in the State, the implementation of effective multicultural and bilingual educational programs in public school systems is essential. Commission and Advisory Committee studies have indicated that much yet remains to be accomplished to realize this goal. The role of the State department of education and individual school districts in satisfying *Lau* remedies and Title VI compliance must be closely monitored. With respect to higher education, access of minorities to enrollment and staffing positions has been identified by the Advisory Committee as a critical issue and one that requires additional research and action.
- Women's Issues: Sex discrimination is an area of civil rights concern which has been inadequately studied in New Mexico. Issues such as employment, economic security, credit, sexual assault, domestic violence, social benefits, and domestic law affecting women in New Mexico require close attention.
- Indian Civil Rights: Because of the special relationship existing between the Federal Government and Indian people, continuous monitoring to assure the full protection of Indian rights must be maintained. Furthermore, States have historically attempted to encroach on Indian rights (especially with regard to taxation, land, and water rights) and these threats must be counteracted by constant civil rights surveillance. Problems in the administration of justice continue to plague communities located near reservations as do inadequacies in the provision of social services and political representation. Discriminatory practices and attitudes toward Indians remain a serious problem in New Mexico. Because of the abundance of natural energy producing resources on and near reservations, the potential for economic and ecological exploitation is very real and issues such as strip-mining of coal and conversion to gas have already created many problems for Indian people, especially in northwest New Mexico.
- Civil Rights in Southeastern New Mexico: There are many communities near the Texas border where discrimination against blacks and Mexican Americans is regularly alleged. Many of the problems involve the criminal justice system, employment, education, and political participation. There appears to be a pattern in these communities of extreme insensitivity to minorities and a consequent denial of equal rights and opportunities.
- Employment and Economic Security: High levels of unemployment affect minority group members in New Mexico. Economic development has been limited and where it has occurred has not always directly benefited minorities. Discrimination in the public and private sectors continues to be alleged, and Advisory Committee research confirms serious underutilization of blacks and Indians in State government employment. EEOC records contain many complaints by all minority groups in New Mexico alleging discrimination in educational institutions, local governments, and private industry.

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New York

New York State and particularly New York City epitomize the crises that large States with large urban populations are experiencing.

According to the 1970 census, there were 18,236,967 persons in the State, more than half of them women. The total nonwhite population was 3,228,841 or 17.7 percent of the total. Of those, 2,168,949 (11.9 percent) were black, 872,471 (4.8 percent) were Hispanic (largely Puerto Rican), 81,378 (0.5 percent) were Chinese, and 28,355 (0.2 percent) were American Indians.

The New York State Economic Development Board estimates that the State population had decreased to 18,086,000 by 1976. New York City's population declined 5.2 percent from 7,894,862 in 1970 to 7,482,000 in 1976. Like other major American cities, New York City experienced a decline in its white population and an increase in minority population. In New York City, the black population increased to 24 percent of the total population during that time. Hispanic groups estimate that the Spanish-speaking population increased to 20 percent of the total. The Asian community grew to 2.9 percent. These figures are based on the 1970 census (including compensation for an alleged undercount of minorities) and migration into the city since 1970.

In New York City and throughout the State, minorities earn less than white families. The economic recession has hurt minority groups to a greater extent and statistics from the State department of commerce show that New York City has been hardest hit. While the business activity index for the State as a whole was up 6 percent between 1967 and 1976, the index was down 8 percent for New York City during that period. The city lost an estimated 316,000 jobs between 1969 and 1974.

Civil Rights Developments

Enforcement

A number of governmental organizations have been established at the State and local levels to promote equal opportunity for the disadvantaged, minority groups, and women.

The State division of human rights is the primary civil rights agency in State government. Created in 1945 as the State Commission Against Discrimination (SCAD), its original jurisdiction covered discrimination in employment on the basis of race, creed, color, or national origin.

In 1968 the commission became the State division of human rights. Its jurisdiction was broadened in the 1960s to include discrimination on the basis of age (1958) and sex (1967). In 1975 discrimination on the basis of marital status was prohibited and in 1976 discrimination against persons arrested but not convicted was included in its jurisdiction.

In September 1976 Governor Carey issued executive order no. 40, mandating affirmative action in State government. The State division of human rights issued guidelines the following month for all State departments to develop affirmative action plans with annual goals for the hiring and promotion of minorities and women.

In January 1977 Governor Carey issued executive order no. 45 mandating affirmative action on the part of contractors with State government. This order established an office of contract compliance in the State division of human rights to enforce the affirmative action requirements.

Education

The New York State Board of Regents has established desegregation of the State's schools as a broad policy goal. The New York State Board of Education filed its first complaint in 1964, charging discrimination on the basis of race in the Malvern, Long Island, school system. Since then, the board has continued to file complaints and encouraged other school districts to desegregate their schools voluntarily. As of June 1977, 37 school districts had filed desegregation plans with the State board. New York City had not developed a citywide plan.

For several reasons, the move toward integrated school systems has not progressed rapidly. First, State action has limited the State board of educa-

tion's effectiveness. In 1971 the State legislature passed a law prohibiting the reassignment of pupils for the purpose of integration. Although this law was struck down by the courts, it slowed the work of the board of education. At about the same time, the State legislature failed to refund the State racial balance fund, which provided financial assistance from 1965 until 1971 to school districts in the process of desegregation. The State department of education has asked for funds for school districts in the process of desegregation every year since, including $12 million for fiscal year 1977, but as of January 1977 the requests were denied. In 1977 Education Commissioner Ewald B. Nyquist was fired, in part because he advocated busing as a means of achieving desegregation.

Second, as minorities have continued to migrate into urban centers and whites have continued to move into the outlying suburban areas, segregated residential patterns have resulted in increasingly segregated school systems. This increasing segregation has been a major concern to the national office of the NAACP whose staff has criticized the growing politicization of the school systems and the limited effectiveness of the State board of regents.

Bilingual education is becoming an increasingly important issue. In New York City, Hispanic students have become the second-largest and fastest growing minority student group and the city's bilingual-bicultural program has come under increasing scrutiny by community groups and the Federal Government. Funded with approximately $20,500,000 for the 1976–77 school year, the program offered bilingual-bicultural services to 70,000 out of 300,000 Hispanic students. In addition, the program serves other linguistic-minority students who speak Italian, French Creole, Yiddish, Chinese, Greek, Hebrew, Russian, and Arabic.

In public education there has been controversy over open admissions and free tuition in the City University of New York (CUNY) and over the issue of equality of employment opportunity in both the city and State systems. In 1976 CUNY, for the first time, charged tuition. There was a public outcry on the ground that these actions would have a disproportionate effect on minority students. Franklin Williams, chairperson of the New York Advisory Committee and then vice chairperson of the New York City Board of Higher Education, resigned from the city board in protest.

Employment

In the past 5 years, both public and private sectors have been severely affected by the economic recession. The focus in employment has shifted from the issue of affirmative action to the disproportionate impact of "last hired, first fired" policies on minorities and women.

The issue of layoffs emerged in New York City government when approximately 46,435 persons were laid off as a result of the city's financial difficulties. In 1976, following a meeting between the New York State Advisory Committee and city officials, the New York City Commission on Human Rights issued a report indicating that minorities and women lost the greatest percentage of the jobs. Blacks lost more than a third (35 percent) of their positions with black males losing 40 percent of their jobs. Hispanics suffered the greatest loss—51.2 percent—and women lost 33 percent, in contrast to 25 percent of white males who lost their jobs.

"Hometown plans," or locally negotiated agreements on affirmative action for construction jobs, have continued to come under criticism since the plans were first established in the early 1970s. The Advisory Committee reviewed seven such plans and looked at four in greater detail, those for New York City, Buffalo, Rochester, and Nassau-Suffolk counties (the Long Island Plan). In its report, *Hometown Plans in the Construction Industry in New York State*, issued in 1972, the Advisory Committee criticized the inadequacy of State and Federal enforcement and monitoring mechanisms for the plans, and specific components of many plans such as inadequate goals and insufficient training programs.

The "hometown plan" approach has been soundly discredited as a means of producing equal opportunity in the construction industry. In its report, the Advisory Committee termed the approach "an abnegation of Federal responsibility."

Although New York City does not have a hometown plan, contractors are subject to Federal Part II Bid Conditions which establish acceptable ranges of minority utilization on construction projects. These ranges expired in July 1, 1975. Proposed new and higher minority ranges were published in the *Federal Register*, but they were never put into effect.

Because of the failure of the Federal Government to develop a hometown plan, New York City established what was considered to be the most effective municipal contract compliance program in the Nation. However, in *Broderick v. Lindsay*, the court held the city regulations invalid and said that the executive could not impose minority utilization ranges without legislative authorization.

Employment practices of institutions of higher education have come under attack by minority and women's groups. In 1969, when the Advisory Committee began a review of the State University of New York (SUNY), the committee found that SUNY kept no employment statistics by racial and ethnic group or sex and had no equal employment opportunity policy. In the 8-year dialogue between SUNY and the Advisory Committee, some steps were taken including the collection of racial, ethnic, and gender data, the development of campus plans, a systemwide affirmative action plan, and the appointment of affirmative action officers. However, between 1970 and 1975, in part because of reduced hiring, the SUNY system made very little progress in hiring and promoting minorities and women. Minority faculty increased by only 1 percent and female faculty by approximately 2.5 percent. Both groups remain concentrated in the lower salaried and nontenured positions. The Advisory Committee, which released its report, *Equal Employment Opportunity in the State University of New York* in 1976 is continuing to review EEO in the SUNY system.

In recent years many cities, including New York, Buffalo, Rochester, and Syracuse, have issued affirmative action plans for city employment, and all counties of the State either have or are developing affirmative action plans. These plans vary in content and enforcement.

The Advisory Committee's first effort to monitor public employment was in 1972 as part of the Commission's Puerto Rican Project. Its 1973 report, *The Puerto Rican and Public Employment in New York State*, summarized the barriers to Hispanics posed by State and local civil service regulations.

In 1973 the Advisory Committee began monitoring selected county and municipal governments in conjunction with a statewide coalition set up to promote equal employment opportunity in local governments. In 1975 the Advisory Committee followed up its project with daylong interviews and recommendations to selected local governments. Steps taken as a result of these interviews include the establishment of affirmative action mechanisms by the city of Poughkeepsie, and the inclusion of sex discrimination in the jurisdiction of the Suffolk County Human Rights Commission.

Women's Issues

In 1972 New York State ratified the Federal Equal Rights Amendment but a State equal rights amendment was defeated at the polls in 1975 following a vehement anti-ERA campaign. A drive to repeal the State's ratification of the Federal amendment was initiated the following legislative year but failed.

In 1976, the New York State Court of Appeals upheld a decision by the State division of human rights and ruled in the *Brooklyn Union Gas* case that maternity disability must be treated as any temporary disability. The court held that a failure to grant temporary disability benefits to pregnant women constituted sex discrimination. The 1977 State legislature enacted the same principle into law by deleting the pregnancy exclusion provision in the State workmen's compensation law and thus allowed pregnant women to claim benefits through the routine procedures of the worker's compensation board.

In a second decision in 1976, the court overturned a State division of human rights ruling and found that a person, in this case a man, could be fired because of the length of his hair.

A number of other pieces of legislation have been enacted in the past 5 years. These include the following:

- A law prohibiting any person from being denied admission to a course of instruction in any public elementary or secondary school on account of sex (1972);
- The repeal of some "protective" labor laws which barred women's employment at certain hours in certain jobs (1973);
- Laws repealing the requirement for corroboration of the victim's testimony in rape cases (1973) and limiting the introduction of evidence of the victim's prior sexual conduct (1974);
- Repeal of the automatic exemption of women from jury service (1975);

- Elimination of improper sex distinctions in most New York State laws (1976);
- A law establishing the right of collective bargaining for household workers hired through contract agencies (1976);
- A requirement for all health insurance policies to provide a minimum 4 days hospital coverage for maternity-related care (1976);
- Laws for battered women giving criminal courts concurrent jurisdiction with the family court over family offenses and establishing shelters for abused women with children (1976); and
- A budget appropriation of $100,000 for a pilot program for displaced homemakers (1976).

Gay Rights

An issue with strong support among many groups within the women's and civil rights movement is that of gay rights. However, legislative gains have been minimal. Discrimination on the basis of sexual preference in municipal employment was prohibited by executive order in New York City in 1972 and by legislation in Ithaca in 1974. A broad gay rights bill has been introduced in the past several years to the New York City Council, but has narrowly been defeated each year.

Administration of Justice

Ever since the outbreak of violence at Attica in September 1971, the New York State prison system has been a critical issue. No attempt will be made in this report to relate the full range of events following the uprising; however, evidence suggests that many of the initial problems—overcrowding, underrepresentation of minority staff, and inadequate facilities—still remain.

The New York State Advisory Committee had just initiated a project reviewing the prison system at the time of the outbreak of violence. It interviewed prison officials, inmates, and other concerned persons and held an informal public meeting in November 1972. Some of its recommendations, including several calling for major changes in the prison's medical program, were put into effect at the time of the hearing and others issued in a 1974 report, *Warehousing Human Beings* were implemented in part. The Advisory Committee continues to receive allegations of inadequate programs and procedures at the prisons.

Asian Americans

In the past 10 years, the Asian community in New York City has begun to emerge as an organized political force. In 1974 Asian Americans took part in their first organized public action and demonstrated against the lack of Asian American employment at a publicly financed construction site known as Confucius Plaza. Staff of the U.S. Commission on Civil Rights' Northeastern Regional Office assisted in arranging negotiations which resulted in the first agreement to hire Asian Americans in the industry.

American Indians

American Indians are also a significant minority group that has become increasingly organized. In addition to Indians who live in urban areas throughout the State (especially in cities near reservations) there are eight Indian reservations: the Allegheny in Cattaraugus County, the Cattaraugus in Erie County, the Tonawanda in Genesee County, the Tuscarora in Niagara County, the Onondaga in Onondaga County, the St. Regis in Franklin County, and the Shinnecock and Poospatuck in Suffolk County. In recent years upstate tribes, members of the Iroquois Confederacy, have been involved in several land claims cases. The occupation of 612 acres of Adirondack Park State land by the Mohawk Indians was settled through negotiation.

With few exceptions, New York State Indians do not receive Bureau of Indian Affairs assistance.

Unfinished Business

No attempt will be made to catalog all of the items of unfinished civil rights business in New York State. Rather, the Advisory Committee will limit itself largely to those areas where it has completed studies or received information in recent years.

Employment

New York City and other large cities of the State have been losing jobs to the suburbs and to other States. To some extent the white population has been able to follow these jobs to the suburbs, and consequently the inner city population has

become increasingly black and brown. At the same time, the recession of the mid-1970s further affected both public and private sectors of the economy and resulted in job freezes or layoffs in many organizations. The result for the urban poor is massive unemployment and economic dependency. These problems must be attacked on several fronts—incentives to keep jobs in the inner city, programs to open up suburban jobs and housing, training programs to prepare inner-city residents for existing jobs, transportation networks between the new jobs and minority residential neighborhoods, and, of course, vigorous enforcement of nondiscrimination and affirmative action requirements. All levels of government have important roles to play, but New York looks to the Federal Government to play the major role.

As the private employment market has shrunk, public employment has become more important to minority groups. Because of the economic difficulties of New York City and other cities in the State, minorities and women have suffered disproportionately from the cutbacks in public employment. Executive orders, affirmative action plans, and years of hard work by equal employment opportunity officers have come to naught as cutbacks are made on the basis of "last hired, first fired." Programs such as work-sharing to soften the impact on minorities and women in times of economic crisis are needed, and affirmative action plans must be revised to assure that all racial and ethnic groups and sexes share the losses equally.

In New York State government, Governor Carey's executive order no. 40 provides a comprehensive framework for an effective affirmative action program for State agencies. However, a lack of funds and staff makes it virtually impossible for the State division of human rights to monitor effectively the more than 50 affirmative action plans of various State agencies.

Federal, State, and some local governments have adopted policies designed to increase minority and female participation in companies with State or Federal contracts. However, all these programs have encountered serious obstacles in their implementation. On the State level there are both encouraging and discouraging signs. For several years the Advisory Committee criticized the previous State administration for an ineffective contract compliance program. Although executive order no. 45 establishes the framework for affirmative action for contractors with State government, the Governor has failed to fund and staff adequately the State office of contract compliance, which has not issued implementing regulations.

On the municipal level, New York City's contract compliance program has been left in shambles by the State courts.

Education

Desegregation of the public schools has a long way to go in New York State. New York City has done virtually nothing, Buffalo has weathered the first steps of desegregation, and numerous other communities have made only token efforts. With the State seemingly in retreat on this issue and the Federal Government's policies uncertain, the future of school desegregation in New York State appears bleak.

As the stalemate in the desegregation of schools continues, the need to upgrade inner-city schools becomes even more urgent. Remedial and other programs to counter the pervasive effects of the cycle of urban poverty need to be greatly expanded. Of particular interest to the Advisory Committee is the maintenance of good bilingual-bicultural programs for non-English-speaking students.

The Hispanic community has criticized several aspects of New York City's bilingual education program. The first issue is the inadequate representation of Hispanics among the bilingual teachers. Of approximately 3,000 bilingual teachers in 1977, approximately 900 are Puerto Rican and 600 are other Hispanics. But more than 85 percent of the students in the program are Hispanics. It is generally believed that the employment examination (80 percent in English) is a barrier to Puerto Ricans who would be better qualified than other language groups because of their knowledge and understanding of the Puerto Rican culture. A second issue is an alleged undercount of Puerto Rican students in the school system, many of whom need special education. A third issue is the slowness with which the board of education has implemented the bilingual program. Many Puerto Rican groups interpret the board's inaction as a lack of commitment to the concept of bilingual education and to the Puerto Rican and Hispanic student body. Finally, according to many

community leaders, many teachers have low achievement expectations of Puerto Rican students. This problem requires better teacher training and the hiring of more minority teachers to provide role models and to increase communication between minority students and staff.

In September 1976 the U.S. Department of Health, Education, and Welfare charged the New York City Board of Education with racial discrimination in its employment practices and staff assignment patterns and with sex discrimination in its promotion policies and certain aspects of its athletic program. The Advisory Committee is seriously concerned about the underrepresentation of minority teachers and female administrators in the New York City school system.

Women's Issues

Women's groups have become increasingly organized in the past 10 years. Membership has grown in many groups and the focus of groups such as the Women's Lobby, a coalition of statewide women's organizations, has shifted to legislative action to achieve legal, social, economic, and political equality. More than 9,000 women, more than three times the number expected, attended the State's International Women's Year conference in Albany.

Nonetheless, despite the increasing number of laws on the books and growing support for the women's movement, there have been significant setbacks in recent years. The State ERA was defeated and each year much so-called women's legislation is either tabled or defeated. Women still are excluded from major policymaking and higher salary level positions, and support services such as child care centers are not always available.

The New York State IWY platform includes resolutions in support of the Equal Rights Amendment, a woman's right to elective abortion, and gay rights. These remain priority items for many women's groups in the State.

Governor Hugh Carey, who vetoed a bill to prevent women under 18 from getting abortions without parental consent, has taken a strong stand in favor of a woman's right to elective abortion. However, with issues such as the use of medicaid funds left to the States, strong opposition to Federal and State financing of abortion is expected at the State level.

Other Developments

Because of the depressed state of the economy, the growing number of Hispanic and Asian aliens in the New York City area are receiving increasing attention. A significant number of Hispanic aliens from the Caribbean and Central and South America have entered legally. In addition, the U.S. Immigration and Naturalization Service (INS) estimates that as many as 750,000 aliens are living in the metropolitan New York area without legal status. Although exact statistics are not available, INS estimates that the large majority are from the Spanish- and French-speaking Western Hemisphere countries. Data on undocumented aliens apprehended by the INS indicate that, although most of the persons here illegally have overstayed their visas, an increasing number of Mexicans, Colombians, and Ecuadoreans who were smuggled across the border have entered the metropolitan New York area. The New York State Advisory Committee is currently studying this subject and will hold informal hearings in the fall of 1977.

The New York State Advisory Committee continued its interest in the Asian American community and held an informal hearing on the employment, immigration, and media image problems of Asian Americans. Its report, *The Forgotten Minority: Asian Americans in New York City*, which will be released in fall 1977, documents the extensive needs of the Asian community. Asian groups have reported severe problems facing the elderly and the youth and charge that various social services are inadequate.

Land claims by New York's American Indians are being settled by the courts. However, the tensions which have developed over Indian land claims concern the Advisory Committee. Programs should be initiated to increase understanding of the Indian perspective on these issues.

Continued efforts must be made by the Advisory Committee and others to improve data collection on Hispanics in this State. The inclusion of appropriate Hispanic identifiers in birth and death records of both the State and New York City are an important step in this direction. Also, procedures being developed by the U.S. Bureau of the Census for use in the 1980 census should be carefully monitored to ensure an accurate count of blacks, Hispanics, Asians, and other minority groups in New York State.

Summary

In spite of the many gains made in recent years such as new laws, executive orders, and agencies, with the exception of token advancements for a few, minorities and women remain deprived and discriminated against.

Jobs are the key, yet unemployment for minorities in the inner city is at near catastrophic rates. Many youths face a future without hope. The educational system, the traditional vehicle for upward mobility, has failed them and even recent graduates find that they are ill-prepared for the few jobs that exist.

In the face of these conditions, the mounting attacks on affirmative action and the increasing charges of "reverse discrimination" threaten to destroy the already ineffective mechanisms for redressing present and past grievances.

For a while it appeared that women were on the threshold of making a real breakthrough on the problems of sexism in our society. It is now clear that most of the early gains were largely cosmetic and that there are now strong forces intent on turning back the clock. The State ERA failed and each year there is an attempt in the legislature to repeal the ratification of the Federal ERA. There is the continuing danger that minorities and women will fight with each other, rather than unite in a fight against systematic discrimination.

No mention is made of the massive housing problems confronting the city and State because the Advisory Committee has not studied this area in recent years. The Advisory Committee is, however, acutely aware of the critical nature of the subject. The vast areas of burned out and abandoned buildings in the South Bronx and Brooklyn and the deteriorated and overcrowded minority neighborhoods in Manhattan and Queens, as well as in most urban areas throughout the State, are testimony to the enormity of the problem. Recent surveys reveal that discrimination in housing remains a serious problem in New York. Not only has violence occurred in Queens and Staten Island as minorities attempted to move into white neighborhoods, but there is also evidence that real estate agents in Manhattan attempt to steer minorities away from better buildings and better blocks in mixed neighborhoods. Disinvestment by banks and the redlining of vast areas of the city (and sometimes the entire city) has been revealed as a major factor in the decline of inner-city neighborhoods.

As jobs and whites flee the city for the suburbs, the minorities who remain are faced with increasing unemployment, deteriorating neighborhoods, a bankrupt educational system, and declining social services.

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North Carolina

In February 1960 a freshman at North Carolina Agricultural and Technical College, a black college, sat at the lunch counter in a Woolworth store in Greensboro. He was soon told that Negroes were not served there. The next day he came back with three friends and waited all day to be served. Within 2 weeks "sit-ins" were underway in numerous North Carolina towns. It took 6 months for Woolworth's to serve coffee to blacks in Greensboro but the confrontation there was dramatic. The North Carolina sit-ins provided the momentum for sit-ins throughout the Nation which brought about the desegregation of theaters, libraries, parks, pools, and other public places where blacks had been relegated to back rooms or balconies, if admitted at all.

Blacks and other minorities are admitted to public places in North Carolina in 1977, but, as the 1970 census clearly shows, they still live as second-class citizens. All primary measurements of quality of life—income, education, employment, housing—show that the lives of blacks in North Carolina are heavily burdened with poverty and unemployment. Women of all races are even more disadvantaged. Although the motto on North Carolina's automobile tags reads "First in Freedom," civil rights advocates question this claim to preeminence as applied to the State's minorities and women.

North Carolina's population of 5,082,059 is approximately 22 percent black and less than 1 percent American Indian. The annual median income of whites (age 14 and over) is almost double that of blacks—$3,847 versus $2,059. Income for other than black minorities in the State was reported as $3,402 in the 1970 census, but that figure is misleading if used to evaluate the economic status of American Indians. Of the State's 44,406 Indians, 60 percent live in Robeson County in the eastern flatlands. A private industry survey published in 1969 showed that the per capita income of Robeson County residents was $1,302. Robeson's 26,600 American Indians make up 31 percent of the county's population. Women who headed households in North Carolina in 1970 had an average yearly income of $3,041; men averaged $8,060 per year.

Educationally, black men fall at the bottom of the scale in years of schooling completed. The average for black men age 25 and over is 7.9 years, and for black women, 9.0 years. White women complete a median of 11.2 years of schooling compared to 10.8 for white men. No statistics are available on the schooling of American Indians.

Despite the fact that both black and white women are better educated than their male counterparts, their unemployment rate is twice that of men—4.9 percent contrasted to 2.4 percent for men. Among black women the unemployment rate is 8.9 percent compared to 4.3 for black men.

Blacks are the victims of racial discrimination which keeps them from becoming economically secure enough to afford decent housing. Of all black-occupied housing units in the State, 38 percent lacked some or all plumbing in 1970; only 4 percent of the white-occupied housing units lacked plumbing. The median value of all homes in North Carolina was $13,900. Black homes were valued at $8,300.

Of all white families in the State, 11 percent were living below the poverty level when the census was last taken. Among black families, 46 percent were below poverty level, as were 13 percent of all other minorities. Of the 414,000 citizens over 65 in the State, 39 percent lived below the poverty level.

Civil Rights Developments

Education

At the time of the 1954 Supreme Court decision, *Brown v. Board of Education*, which declared separate public school facilities inherently unequal, North Carolina law dictated almost total educational segregation. Despite a suit that was brought against the Durham Board of Education in 1951 in

which Judge Johnson J. Hayes ruled that black students were entitled to injunctive relief because of past discrimination in public facilities, desegregation to any significant extent did not take place until years later.

Token desegregation took place in 1957, when a total of six black students were admitted to white schools in Greensboro, Charlotte, and Winston-Salem. As late as 1962 only 7 of the State's 172 public school districts had begun to desegregate.

Charlotte, the State's largest city, was the focus of national attention in 1971 when the Supreme Court upheld a lower court ruling in *Swann v. School Board of Charlotte-Mecklenburg* which called for transporting students away from their traditional, segregated neighborhood schools so that the student population would be mixed according to the school system's racial composition—70 percent white and 30 percent black. This landmark decision set the precedent for courts throughout the country to require "busing" as a tool for school desegregation. Although some Charlotte whites boycotted the schools for several weeks and some disruptions did occur in the schools, the process of desegregation had begun.

In the eastern part of the State and also in the far west, American Indians, as well as blacks, had been relegated to inadequate schools. Through the 1960s, the State continued to support separate school systems for American Indians even though that policy was far from cost effective. In Robeson County, where 26,600 of the State's 44,406 American Indians lived, the State was paying $80,000 to operate a school system for Indian children. In Charlotte-Mecklenburg the State paid $40,000 for public schools.

The racial composition of Robeson County's public school system is now mixed: 60 percent American Indian, 20 percent black, and 20 percent white. In 1977 the county board of education selected its first American Indian school superintendent. A black male serves as assistant superintendent.

The desegregation of colleges and universities in North Carolina began in 1951 when, as a result of litigation, the University of North Carolina admitted blacks to its graduate programs. In 1955 blacks were admitted to the undergraduate schools of the university system. Several private schools admitted blacks in 1961, including Duke, Mars Hill, and Davidson.

Administration of Justice

In the late 1960s and the 1970s, three well-publicized cases involving blacks were cited by civil rights leaders as examples of North Carolina's lack of justice for its black citizens. Black leaders contend that JoAnn Little, the "Wilmington Ten," and the "Charlotte Three" are examples of black citizens whose freedom has been oppressed rather than protected by North Carolina's judicial system.

JoAnn Little, a black woman, was convicted on a charge of breaking and entering and was confined in the Beaufort County jail on June 6, 1974. On August 6 the jailer was found dead in Ms. Little's cell, stabbed with an ice pick. Ms. Little was missing. She later surrendered and was indicted by a grand jury for first-degree murder. Ms. Little contended that she killed the jailer in self-defense when he had made sexual advances toward her.

The Little trial ended with an acquittal on August 18, 1975, after having sparked the concern of many individuals and organizations. It also served to encourage women incarcerated in the State women's prison to voice their criticism openly about disparity in treatment accorded female and male prisoners. This led to negotiations between women inmates and State prison officials to improve prison conditions for women and also to establish a formal grievance procedure for all inmates.

Nine young black men and one white woman, known as the "Wilmington Ten," were convicted on charges of arson and conspiracy following a tumultuous week of racial violence in Wilmington, North Carolina, in 1971. The 10 defendants were sentenced to a total of 282 years. In March 1977 the case was reopened with a Federal grand jury investigation. Two key prosecution witnesses recanted their 1972 testimony. One witness said his testimony was induced by threats and promises; another (age 13 at the time of the original trial) claims he was bribed with a mini-bike. One witness subsequently recanted his recantation. The credibility of the original prosecution witnesses has been by turns called into question by both sides in the case. As of July 1977 nine of the Wilmington Ten were still in prison. A motion for a new trial has been denied but is being appealed. Civil rights

activists in the State and the Nation continue to call for justice, and Attorney General Griffin Bell has promised a full Federal review of the case. Governor James Hunt receives summaries on developments in the case regularly.

In 1968 three black men were arrested in Charlotte for allegedly setting fire to a riding stable where they were refused riding privileges. All were convicted, one being sentenced to 25 years and the other two receiving a total of 30 years in the 1972 trial. Known as the "Charlotte Three," this case has not received as much national attention as the cases of JoAnn Little and the Wilmington Ten, but it has generated allegations of unequal administration of justice.

State Prison System

Among civil rights problems in North Carolina, the conditions in prisons and the treatment given prisoners may well be the most difficult to correct. In 1973 the Advisory Committee conducted a study of the State's huge prison system. Poor living conditions and discrimination in the employment of prison personnel were found.

North Carolina houses thousands of its prison population in crowded, often dangerous facilities, complete with leaking and condemned dormitories, roach-infested toilets, and mind-numbing boredom. The system confines well over 13,000 inmates in facilities barely adequate to house 10,000. Superior Court Judge James H. Pou Bailey said: "I've about gone out of the business of sending any young folks to prison if I can possibly avoid it, and it's because of the conditions in there."

The growth of the prison population is relentless. More than 3,000 additional persons have been incarcerated in the past 4 years, leaving North Carolina with what prison officials believe to be the highest per capita prison population in the Nation. No solution is seen in the near future because prisoners are now receiving longer sentences.

During the same 4-year period, the prison staff did not expand. While $20 million was appropriated, bureaucratic delays have prevented construction of any new facilities. The Governor's budget proposal for the next 2 years includes appropriations of more than $30 million for improvements in the system. However, considering the lack of action in the past 4 years, million-dollar proposals do not ensure immediate relief.

The comment of a State health official best sums up the unsanitary conditions which typify North Carolina prisons. According to a sanitarian, Craggy Prison near Asheville has not been inspected since 1973 because "We just felt we were wasting our time going in there. It [Craggy] would have to be replaced." The division of health services of the North Carolina Department of Human Resources is supposed to inspect each facility annually as part of its statutory obligation to advise prison officials. However, some facilities are not inspected by the division. According to a department of corrections official, "There is really not any purpose in condemning Craggy. A lot of our prisons are in bad shape."

Violence within the prisons is not uncommon. In June 1977 prison officials launched an investigation to determine how inmates got knives that were used in a fight which left six inmates and a guard hospitalized. This outbreak is typical in an overcrowded prison facility. The State cannot even protect the inmates, much less rehabilitate them, until prison conditions are vastly improved.

The North Carolina Department of Corrections is a major employer in many of the isolated areas where the prisons are located. In 1975 it employed over 5,000 persons—21 percent were minorities, 20 percent were female, 79 percent were white. In 1976 among professional employees who worked directly with prison inmates, there were no women or American Indians and only two blacks (one full-time medical doctor and a part-time dentist). There were no black or women wardens or superintendents. There was one American Indian superintendent.

Voting and Political Participation

Despite the fact that 240 blacks have been elected to public office in North Carolina, there are still significant barriers to certain local offices. In countywide elections the black vote is diluted so that blacks are unsuccessful. There are few black county election commissioners, school superintendents, school board members, and law enforcement officials.

In Robeson County minorities have achieved one significant reform which has resulted in better representation on the local school board. Until

1975 city dwellers—the majority are white—could vote for school board members for both city and county boards. County dwellers—the majority black and American Indians could vote only for members of the county school board. The double vote had the effect of discriminating aginst minorities. In its 1974 report *Economic and Political Problems of Indians in Robeson County*, the Advisory Committee recommended merging the city and county schools in order to eliminate the "double vote."

Political participation for both blacks and Americans Indians has improved in other areas in Robeson County. Currently, three of the seven county commissioners are American Indians, a black chairs the county Democratic Party, and another black chairs the county board of elections. Many blacks and American Indians serve on school boards and city councils throughout the county. Voter registration campaigns, which have added 13,000 blacks and American Indians to the voter rolls since 1971, have been very successful.

Despite the fact that statewide polls show that the majority of North Carolina citizens favor ratification of the Equal Rights Amendment, the male-dominated legislature defeated it in 1977 for the third time.

Public Employment

Several city and county governments have been investigated by Federal enforcement agencies because of complaints of employment discrimination. A high official of the U.S. Department of Justice described Winston-Salem's employment record as one of the worst in the country.

The North Carolina General Assembly passed an Equal Employment Practices Act in June 1977 which includes a statement that State agencies shall not discriminate on the basis of race, color, sex, religion, national origin, age, or handicap. The act also provides that the North Carolina Human Relations Commission may contract with the U.S. Equal Employment Opportunity Commission (EEOC) to conciliate charges of discrimination. However, the State commission does not have any enforcement power.

Migrants

Migrant farmworkers in North Carolina still live and work in deplorable conditions. They are poor, often unhealthy and undernourished, and they have little access to amenities and services most Americans take for granted. Rarely are they able to exercise the most basic rights of citizens. Their wages are low, their working conditions harsh, their employers and crew leaders exploitative. Despite recent laws enacted to improve migrants' lives, most still live in wretched housing and find health care unavailable. Politically weak, without organization or power, migrants can do little to solve their own problems. These conditions have long been evident and have been substantiated time and time again.

The North Carolina Advisory Committee is currently conducting a migrant study which will examine the extent to which migrants have been denied rights accorded other citizens in the State. The study will review the extent to which Federal and State laws guarantee migrants' rights and comment on the adequacy of existing laws.

Migrants work in almost 35 counties, mostly in the eastern part of the State. The typical migrant farmworker is a black male with a fifth-grade education. Seventy to 80 percent of the migrants are black; the remainder are Mexican Americans.

Unfinished Business

Clearly the status of minorities and women in North Carolina is inferior to that of the majority. Equal rights for women, equal justice under the law, and equal opportunity in education and employment are not found in the "first in freedom" State. With the advent of public school desegregation, minorities have begun to have the opportunity to attain a quality education. In time that education should mean better paying jobs and the ability to afford decent housing and health care. Equal opportunity laws, however, do not immediately transfer into equal opportunity. The continued active involvement—including studies such as those conducted by the North Carolina Advisory Committee—of the Federal Government, and civil rights organizations is needed in North Carolina.

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North Dakota

North Dakota's population numbers 617,716; 2.3 percent (14,369) are American Indians. There are 2,494 blacks and 2,007 Hispanics, accounting for 0.4 and 0.3 percent of the total population, respectively. There are 608 Asian Americans in the State.

Civil Rights Developments

Civil rights issues in the State have focused on American Indians. Concern for the quality of education and educational opportunities received by Indian children prompted the State in 1975 to establish a State office of equal education opportunity with a full-time director to handle Indian complaints in the school system.

In 1975 the North Dakota Criminal Justice Commission conducted an extensive study throughout the State to recommend goals and standards for the State's criminal justice system. The North Dakota Crime Reparations Act, which provides State aid to victims of violent crimes, is one result of the commission's proposals.

Partially as a result of findings from the criminal justice commission's study, the North Dakota Advisory Committee began an investigation of criminal justice for American Indians in the State. The project, completed in 1977, included an investigation of the relationship of Indians and the law enforcement and judicial systems in two counties.

Of increasing concern to civil rights advocates has been the establishment of a branch of the Interstate Congress on Equal Rights and Responsibilities. The organization aims to extend State jurisdiction over lands now controlled by American Indian tribes and works for the ultimate dissolution of all reservations. The group is well organized and growing.

There have been several prominent developments regarding issues which involve women. In 1975 several North Dakota women's groups successfully united to promote ratification of the Equal Rights Amendment by the North Dakota Legislature. A State Commission on the Status of Women was established and, with its help, a booklet outlining the legal rights of North Dakota women working outside the home was developed by the Missouri Valley chapter of the National Organization for Women.

In June 1977 hundreds of women from throughout the State participated in the North Dakota International Women's Year meeting in Bismarck. Strategies were planned for the improvement of women's roles through legal and social means, such as the decision of the North Dakota Supreme Court which ruled that it was unconstitutional for the school board in Underwood to force one of its teachers to quit her teaching job during the seventh month of pregnancy.

Unfinished Business

North Dakota is one of the few States which has neither a civil rights statute nor a human rights agency. One result is that discrimination on the basis of sex and ethnic origin is blatant. Specific issues requiring attention include discrimination against American Indians and women in State and local governmental agencies, housing for Indians on and off the reservations, negative portrayals of minorities and women in the media, special education for Indian children with proper use of education funds, and the funding of small businesses for Indian people.

The education of Indian children involves complex civil rights issues, including alleged discrimination against Indian people applying for teaching and administrative positions and the lack of Indian participation in school policy and curriculum development.

Employment of American Indians is another crucial issue. Excluding Federal agencies, less than 1 percent of those employed are Indians. In both the public and private sectors, American Indians have not been able to obtain entry jobs or to move upward on equal terms with white employees.

Health care for Indians is a problem. Because of complex jurisdictional problems, they are not provided with the kind of quality health care available to non-Indians.

In the administration of justice, it often appears that two standards are applied—one for Indians and one for non-Indians. As a result, there is deep distrust between the Indian community and law enforcement officials.

A study by a legislative committee presented evidence which indicates many Indian children are being forcibly taken from their parents. Evidence shows that public and private welfare agencies operate as of the children would benefit from being reared by non-Indian parents.

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Ohio

It has been said that Ohio epitomizes the 20th century American midwest of well-tended farms, God-fearing small towns, and sprawling industrial cities.

The first State carved out of the Northwest Territory, Ohio was the 17th State, admitted to the Union in 1830. Covering an area of 41,222 square miles, Ohio is bounded by Lake Erie to the north, Indiana to the west, and the Ohio River to the east and south.

The population of the State increased from 9,706,397 to 10,652,017 between 1960 and 1970. The nonwhite population increased from 8 percent to 9 percent. The Cleveland metropolitan area accounted for 19 percent of the total population during the 1960s. The nonwhite portion of the Cleveland area population increased from 15 percent to 17 percent. The median income for nonwhite families increased from 70 percent to 74 percent of the median for white families.

Civil Rights Developments

Cleveland Project 1966

The Ohio Advisory Committee in 1966 released a comprehensive report titled *Cleveland's Unfinished Business in Its Inner City* at a public meeting attended by nearly 1,000 people. Subsequently, subcommittee members met with government officials and community leaders to focus their attention on the recommendations. Some of those contacts produced significant results. For example:

- Meetings with Cleveland Housing Authority officials resulted in a change of previously discriminatory practices;
- Contacts with the mayor and police chief led to the appointment of a black officer as an assistant to the safety director responsible for in-service training for community relations;
- Meetings with business and welfare leaders led Cleveland banks to agree to cash the checks of welfare recipients; and
- Contacts with health department officials resulted in the establishment of two neighborhood health centers as well as increased refuse collection in inner-city areas.

The Cleveland subcommittee of the Ohio Advisory Committee provided that city's first meeting ground for a genuinely diverse group to discuss the problems of Cleveland's ghetto residents. Civil rights leaders, industrial leaders, clergy, social workers, trade unionists, and welfare recipients worked together to understand each other and their city's problems. Rarely had such a broad coalition been able to agree on so many goals and programs to remedy the urban racial crisis.

Dayton Civil Rights Committee

A committee of black citizens in Dayton has completed an unusually effective survey of the needs of ghetto residents. A diverse group of Dayton leaders was convened by the Ohio Advisory Committee and a proposal made that the group, in its own name, review the ghetto survey, assemble recommendations, and attempt to secure action from responsible organizations. An effective committee has been formed, with the mayor as honorary chair. A report of the findings and recommendations has been released by the Advisory Committee.

Prison Project

In 1973 the Ohio Advisory Committee began a study of the Ohio penal system in response to many complaints received from inmates, families of inmates, and community groups. In February 1976 the Advisory Committee released its report, *Protecting Inmate Rights: Prison Reform or Prison Replacement*. The report was endorsed by the Ohio Council of Churches, which, in a statewide press release, pledged support for the report's findings and recommendations.

The Advisory Committee began followup activities to the prison study by holding three mini-conferences to distribute and discuss the report. The goal was to motivate citizens to form a statewide coalition to become agents of change in the penal system and to monitor those changes. The mini-

conferences were held in Cleveland, Toledo, and Cincinnati. As a result of these activities, the criminal justice commission, working with the Ohio Advisory Committee and other groups, sponsored a 3-day, statewide conference on prison reform. A network was formed to implement and monitor the report's recommendations.

Employment

The mayor of Cleveland on May 14, 1977, released a city affirmative action plan. The 734-page, 2-volume plan, which took 15 months to prepare, calls for creating 10 programs and setting hiring goals for each city division by job description and pay brackets. This plan is to be monitored quarterly and revised yearly by the department of personnel.

Equal employment opportunity on State and State-assisted construction contracts was established by an executive order of January 1972.

In releasing its 1975 evaluation of the city's affirmative action program, the Cincinnati Human Relations Commission found that minority males are underrepresented in the upper echelons of city government and overrepresented in service maintenance employment. The evaluation reveals that women are significantly underrepresented in city government.

The commission's data show that progress was made in 1975 to bring minorities into city government. However, the statistics indicated that minority males are overrepresented in the service maintenance category by 382 percent. Progress was made in hiring in the protective service category where minority males were overrepresented by 122 percent.

The study reveals that the employment situation for women is generally one of underrepresentation. White women made progress in the areas of professional and paraprofessional employment. There was significant progress in hiring minority females, although they remained 7 percent underrepresented in 1975. The most notable change was in the area of paraprofessional employees. The major source of employment for women continues to be clerical and other office work.

Education

The Dayton School Board in *Brinkman v. Gilligan* was found guilty of segregating the schools by creating optional attendance zones and rescinding actions of an earlier board that would have desegregated schools. The case is now at remedy stage with the second plan of the school board having been rejected by the Circuit Court of Appeals for the Sixth Circuit. The U.S. Supreme Court refused the appeal of the school board.

The Court ruled unanimously that the Federal judge in Dayton had overstepped his bounds in ordering a systemwide desegregation plan that in general matches the student racial mix in the city, with a leeway of 15 percent. Calling the remedy too sweeping in view of the record in the case, the Supreme Court sent the 5-year-old dispute back to the lower court for further consideration and more testimony if necessary.

Meanwhile, the new plan put forth at the start of the current school year will remain in effect. At the start of the third go-around in the lower court, it was estimated that about 15,000 students would have to be bused. The system is now about 48 percent black and 52 percent white.

Federal Judge Frank J. Battisti found the Cleveland Board of Education guilty of racial discrimination in *Reed v. Gilligan*. Judge Battisti said that many of the board's actions "cannot be explained except by ascribing to them a deliberate, conscious intent on the part of the board to segregate public school pupils on the basis of race." The State board of education was also found guilty because its inaction allowed the situation to exist. The defendants were given 90 days to submit a desegregation plan for the city.

The first plan submitted by the city was rejected and Judge Battisti ordered that another plan be submitted by February 25. Gordon Foster, a school desegregation expert from Miami, Florida, was named as the person who would evaluate the plan. The NAACP welcomed this action, but the school board was not particularly pleased. Hearings were held in June 1977 on plans to be implemented in September.

In *Penick v. Columbus Board of Education*, the district court found Columbus guilty of illegal school segregation and ordered a plan to be implemented by September 1977.

A suit against the Youngstown Board of Education has been filed in the Federal district court in Akron and assigned to Judge Leroy J. Conti, Jr. No date has been set for trial.

The Sixth Circuit Court of Appeals reached a decision on a procedural matter in *Bronson v. Cincinnati Board of Education*, which is the second suit brought in Cincinnati. The first case, *Deal v. Cincinnati Board of Education*, resulted in a court of appeals finding that racial imbalance in the Cincinnati schools was not the result of discrimination by the board.

In *Bronson*, attorneys for the plaintiffs argued that alleged acts of discrimination from the first suit could be introduced in the second suit because the law under which the *Deal* evidence was heard had changed as a result of the Denver decision. The school board argued that the court had already decided those issues and that the law had not changed. The district court decided for the school board.

The court of appeals approved the decision with modifications. The ruling is that the plaintiffs may present evidence on any acts of discrimination after 1966. They may present evidence from before 1966 as background to show cumulative effects, but the court cannot rescind the findings of *Deal*.

In *Cleveland Board of Education v. LaFleur*, the U.S. Supreme Court voided Cleveland's policy of mandatory maternity leaves for pregnant teachers.

The Jefferson Township Local School District is a suburban-rural area with an unusual racial mixture. Of its current student enrollment of 2,444, about 70 percent represent minority populations while 30 percent are of nonminority background.

During the 1969–70 school year, newly appointed Superintendent Herman Brown publicly proposed a school district desegregation-consolidation program designed to accomplish districtwide desegregation, improve pupil achievement, and utilize more effectively existing staff and facilities.

As a result of the acceptance of this proposal, the school district was voluntarily desegregated without a court order and ultimately selected by the U.S. Civil Rights Commission as one of nine school systems from across the country to be recognized in its report *The Diminishing Barrier* (published December 1972). The selection was based upon the fact that the district had designed and implemented a voluntary plan for desegregation for a racially mixed, suburban-rural school district.

The Jefferson Township Local School District is 1 of 17 public school districts in Montgomery County, Ohio. It is the only district in the county with student and staff desegregation.

Ohio Civil Rights Commission

Complaints of unlawful discrimination in employment, housing, and public accommodations were brought to the State civil rights commission in record numbers during the 1972–73 year. There were 2,491 new charges filed for the 12-month period, compared to 1,658 the previous year, a 50 percent increase.

The overwhelming percentage of new cases related to employment discrimination. Of the 2,491 new charges, 89.3 percent were complaints of employment discrimination. There were 173 charges of fair housing violations (7 percent of the caseload) and 85 charges of discrimination in public accommodations (3.4 percent).

Cases of racial discrimination against black persons continued to account for more than 90 percent of the cases before the commission. Of the new cases filed, there were also 66 complaints of "reverse discrimination" by white persons, 94 complaints of discrimination based on national origin or ancestry, and 54 cases of religious discrimination.

Women

In a 1976 report, *Women in Office Work*, Cleveland Women Working, a private organization, found widespread discrimination against female clerical employees in the city of Cleveland. The report documented discrimination in pay, promotion, training, benefits, and in the general treatment of women in offices throughout the city. The study examined the position of women in the work force nationally and the situation faced by women office workers in Cleveland, with special emphasis on employment in Cleveland banks and the city government.

Community Development in Cincinnati

The Cincinnati Human Relations Commission received $90,000 in community development funds from the city of Cincinnati to conduct a fair housing program. Part of the grant will be subcontracted to Housing Opportunities Made Equal (HOME) and the Cincinnati NAACP for enforce-

ment and city housing monitoring efforts, respectively. The remainder will be used by the human relations commission to establish an affirmative marketing plan for Cincinnati. Affirmative marketing involves a public commitment by members of the housing industry (realtors, lending institutions, etc.) to the concepts of fair housing.

The enforcement section of the grant conducted by HOME is the city's assurance that fair housing laws will be supported in Cincinnati. HOME will provide services to clients, publicize people's rights and resources in fair housing, and document discrimination.

The NAACP will use its portion of the grant to monitor the effect of city housing practices on fair housing. These include funding of new recreation facilities, relocation practices, zoning policies, and housing loan programs, which will be evaluated to ensure a reduction of racial segregation.

Cleveland Housing Study

Federal Housing Administration practices are contributing to and perpetuating racially segregated neighborhoods in Greater Cleveland, according to a study released by "The Housing Advocates." Using 1975 HUD information, the study documents that FHA, part of the U.S. Department of Housing and Urban Development, has been responsible for racial impaction in direct violation of the Federal Fair Housing Act of 1968 and the intent of the Housing and Community Development Act of 1974, and clearly at odds with school desegregation efforts in Cleveland. According to the study, the effects of past and present practices of the Federal Housing Administration have assisted in establishing and maintaining racially segregated housing patterns in Cuyahoga County.

Unfinished Business

Segregated schools are still at the top of the list of unfinished business in Ohio. Litigation is currently going on in several cities including Columbus, Cincinnati, Youngstown, and others.

While school desegregation battles continue in Ohio, discrimination in employment and housing also remains widespread. Several public and private groups have been organized around these issues and there is reason to hope that such activity will pay off in the near future.

The Ohio Advisory Committee discovered, at a hearing held by Cleveland Women Working, that the city of Cleveland had not developed an affirmative action plan for the hiring of women and minorities. The city is receiving more than $40 million in Federal funds for various projects despite an alleged violation of Federal requirements for receiving these funds. In January 1977 the Advisory Committee voted to investigate, in view of the passage of time since the mayor's promise in February 1976 to develop such a plan. After the Advisory Committee began collecting the initial data, the city released its affirmative action plan. The Committee will analyze the plan, monitor its implementation, and publish a report of its findings and recommendations.

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Oklahoma

Oklahoma's official population count of 2,559,229 in 1970 ranked the State 27th in the Nation. More than 171,000 (approximately 7 percent) of the State's residents were black, and 51,284 (about 2 percent) were counted as persons of Hispanic origin. There were also 98,468 American Indians living in Oklahoma, making up nearly 4 percent of the State's population. Asian Americans, on the other hand, made up less than 1 percent of the State's population. Minorities constitute about 13 percent of the State's population.

Civil Rights Developments

Employment

In 1963 the Oklahoma Legislature created a State human rights commission to "discourage discrimination and encourage fair treatment of all persons regardless of race, color, creed, national origin or ancestry." Among the objectives of the State commission was the elimination of any discriminatory hiring or employment practices in State agencies.

State employment in Oklahoma is based on the merit system, which was created by an act of the State legislature in 1959. Significantly, the first goal prescribed by the act mandates equal employment opportunity for all citizens of the State.

In 1969 the State human rights commission conducted a survey of the racial and ethnic composition of the classified or merit system work force. In a report released that year, the human rights commission found that despite the presence of the merit system and other safeguards designed to make the State "unconscious of race or ethnic backgrounds," blacks, American Indians, and Mexican Americans were not being hired or promoted as readily as whites.

In a recent report prepared by the State's human rights commission and the Governor's Advisory Commission on the Status of Women, it was revealed that out of a total merit system work force of 23,201 employees in 1974, only 3,264 (about 14 percent) were minorities: 1,937 (8 percent) were black and 1,057 (less than 5 percent) were American Indians. Mexican Americans and Asian Americans together constituted only about 1 percent of the total work force.

Another significant finding of this study was that all classes of female employees, regardless of their race or ethnicity, had lower median annual salaries than did the males in the same classes. Almost half of all females earned $6,000 or less per year compared to 26 percent of all males. Moreover, while over 22 percent of all male employees earned more than $10,000 annually, only about 8 percent of all females were in that salary category. The report further noted that more than three-fourths of all women workers were employed in three major functions—public welfare, hospitals, and health—and earned median salaries up to $2,600 lower than their male counterparts.

In February 1977 the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights conducted a 2-day hearing dealing with employment opportunities for minorities and women in State government. Among the issues discussed were the operation of the State's merit system and the policies and practices of State government affecting minority and female employment.

One of the major problems described at this hearing was that many barriers still exist that not only prevent minorities and women from entering State employment but also hinder upward mobility.

In the private sector, barriers also exist. In 1969 the Oklahoma Advisory Committee conducted a hearing in Enid, a small community located in north-central Oklahoma, to investigate the problem of employment discrimination. Statements made at that hearing expressed a profound sense of frustration and discouragement among minority employees. Black employees reported failures to receive promotions on the same basis as white employees. There were reports of black workers employed in construction jobs and performing skilled functions, but receiving unskilled laborer's pay.

Reports of racial jokes and derogatory remarks were frequent.

American Indians in Oklahoma also face severe problems of employment discrimination. In hearings conducted by the Oklahoma Advisory Committee in Tulsa and Oklahoma City in January 1972 on Indian civil rights problems, many witnesses felt that discrimination against Indians by private businesses and industries was widespread in the State. Several witnesses said that Indians applying for employment are usually told "the job has been filled" when in fact it has not. The excuse employers usually give for not hiring Indians, witnesses said, is that they are "social misfits," or "drink too much."

In recent years a great deal of emphasis has been placed on the moral and legal obligations of private employers in Oklahoma to take affirmative action to eliminate both covert and overt discriminatory practices. In May 1968 the State legislature passed the Oklahoma Anti-Discrimination Act, which made discrimination in employment in both the public and private sectors unlawful in Oklahoma. This act also provides for enforcement of its provisions through civil, administrative, and criminal proceedings. On March 24, 1972, the U.S. Equal Employment Act of 1972 was signed into law, culminating several years of efforts to strengthen Title VII of the Civil Rights Act of 1964. The 1972 act expanded the coverage of Title VII to include employees of State and local governments.

Education

School desegregation in Oklahoma has followed a long and tortuous path. Until 1954, all schools in the State were totally segregated by race as required by State law. Faculty and staff were racially separated as well. Black teachers were assigned exclusively to black schools. In many instances, the separation of the races in the schools was reinforced by segregated housing patterns.

Segregation only not existed at the elementary and secondary levels but also at the university level. For example, in 1948 a black student sought entry to the University of Oklahoma Law School. The State contended that local law allowed for the provision of a separate law school for blacks upon demand or notice and that the applicant had not sought this relief. The Supreme Court in *Sipuel v. University of Oklahoma* recognized that the petitioner could not be expected to wait for construction of a law school before completing her education.

Two years later a similar problem arose. A black student was admitted to a State university graduate school. Under a new law, the student was required to sit in a section of the classroom surrounded by a rail with a sign reading "Reserved for Colored." He was assigned a desk in the library and was required to eat in the cafeteria at a different time from all other students.

This arrangement did not satisfy the Court. It ruled in *McLaurin v. Oklahoma State Regents* in 1950 that:

> There is a vast difference—a Constitutional difference—between restrictions imposed by the State which prohibit the commingling of students, and the refusal of individuals to commingle where the State presents no such bar....

With the 1954 *Brown v. Board of Education* decision, a new chapter in school desegregation was opened in Oklahoma. Beginning in 1955, many formerly all-black schools were closed and their students transferred to white schools. Desegregation also brought about a considerable reduction in the number of black teachers and school administrators. From 1954 to 1958, 360 black teachers lost their jobs as a result of school desegregation in Oklahoma. Those who survived were usually demoted when they transferred to formerly all-white schools.

The *Brown* decision had the greatest impact on the State's two largest urban school districts—Tulsa and Oklahoma City. Black students attended separate schools that were completely staffed by black teachers and received funds from a separate county levy.

In the fall of 1955, the Tulsa Independent School District, reacting to the Supreme Court's ruling in *Brown* that the "separate but equal doctrine" was unconstitutional, changed its school boundaries utilizing the "neighborhood" school concept. The end result was that little actual desegregation occurred.

With the passage of the Civil Rights Act of 1964, desegregation took on a new urgency in Tulsa. In May 1965 the Tulsa Public Schools' plan for desegregation was submitted to the U.S. Com-

missioner of Education. Even though the plan did very little to eliminate the disproportionate number of large concentrations of students of one race in certain schools, the Commissioner approved the plan in August 1965.

On July 30, 1968, the Attorney General of the United States filed suit against the Tulsa school district, charging the district with failing to comply with its constitutional obligation to maintain and operate a unitary school system.

The case was subsequently dismissed and then appealed. On July 28, 1970, the U.S. Court of Appeals for the Tenth Circuit found that the lower court decision was incorrect and reversed and remanded the judgment.

Since 1970 the school district and the people of Tulsa have struggled with the issue of school desegregation. It is a story of confrontation, demonstration, and frustration, but solutions were hammered out. After a number of false starts, a voluntary desegregation program focusing on magnet schools was begun in 1972. In the years that followed, the program was expanded. The current, voluntary, magnet school plan has been extremely successful. The plan, however, is limited to only three schools. School enrollment statistics for the 1975–76 school year indicate that many schools in the district are still segregated.

In Oklahoma City, a different set of conditions prevailed. In 1963 a case initiated by Robert L. Dowell, a black student, through his father sought an injunction restraining school officials from continuing to maintain segregation in the public schools. The transfer of black students from predominantly black schools to white schools was one significant issue.

Restrictive covenants and segregated residential housing patterns in Oklahoma City made the problem of desegregating the schools more difficult. The courts recognized that such covenants prohibiting the sale of land to black persons were unenforceable.

In 1970 the courts held that the plan put forth by the Oklahoma City district to desegregate its junior and senior high schools was acceptable. Essentially, the plan called for designating each high school as a home-base school for students living within its geographical attendance area. Each high school, in turn, would also serve as a center for offering programs in specialized areas of instruction.

The history of school desegregation in Oklahoma City and Tulsa has a prologue of fear, suspicion, and distrust. It is a story of confrontation and frustration, but concerned citizens came together to work out solutions to a problem that has left a legacy of hate and bitterness in many communities.

Indian Civil Rights

Employment statistics released by the U.S. Bureau of Indian Affairs (BIA) in March 1972 indicated that the unemployment rate among Indians in Oklahoma was 25 percent. In contrast, the unemployment rate for the total working age population in the State was about 5 percent. Statistics released by the Oklahoma Indian Affairs Commission in 1975 place the Indian unemployment rate at 26 percent.

Indians often encounter employment difficulties—language barriers, lack of transportation, and racial discrimination. Public and private employers reportedly will not hire Indians on the same basis as they will whites. Many Indians often withdraw completely from the labor force or are discouraged from entering. In the rural areas the problems of unemployment are increased by the lack of available jobs. Those who move to the cities seeking job opportunities often face the difficulty of discrimination and adjusting to a whole new way of life. Although many eventually adjust, others do not. Those who have been unable to adjust often return to their tribal lands; others attempt to stay on and grapple with the intense poverty.

In education, the situation is critical. During fiscal year 1972, the BIA estimated that about 42,000 Indian children were attending public, Federal, and church-related schools in Oklahoma; more than 90 percent of all Indian children were enrolled in public schools.

Despite the large number of Indians attending these schools, the quality of public education being received by these children has been questioned. For example, statistical evidence shows that Indian youths are dropping out of school in ever-increasing numbers. The median number of years of school completed by Indians over 25 years of age in Oklahoma is 10.3, as compared to 12.1 years for the general population. Only about 28 percent of all rural Indians in the State have completed high school.

In studying Indian education in the State, the Oklahoma Advisory Committee found that the public schools in Oklahoma, with very few exceptions, have not responded to the needs of Indian children. School administrators are often unresponsive to the concerns of Indian parents and deny them any meaningful participation in the schools. The Advisory Committee concluded that Indian children attending public schools in the State have been discriminated against in terms of curriculum, treatment by school officials, and in the exercise of their cultural values.

In January 1972, the Oklahoma Advisory Committee conducted 4 days of hearings in Tulsa and Oklahoma City to examine the civil rights concerns of American Indians living in Oklahoma. Among the issues discussed was the administration of justice as applied to Indians. Many witnesses testified that American Indians in the State suffer from discrimination in the administration of justice and that two distinct standards seem to be operating in Oklahoma—one for Indians and another for non-Indians. A disproportionate number of Indians are incarcerated in municipal and county jails and State correctional institutions. Other witnesses alleged that numerous inequities are perpetrated against Indians, including unequal protection and enforcement of the laws, police intimidation and brutality, and insensitivity by the judicial system.

Unfinished Business

The momentum toward racial justice that characterized the 1960s has given way to a growing sense of retrenchment and disquiet in the 1970s.

Job discrimination, lack of equal employment opportunities, inequities in the criminal justice system, school desegregation, poverty, and the rights of American Indians are issues that need to be addressed by *all* the citizens of Oklahoma. The stress is on *all* the people because these issues are not solely linked with minorities. Equal opportunity and quality education should be just as important to whites as they are to blacks, Chicanos, American Indians, and Asian Americans.

There are many people in Oklahoma, of all races and ethnicity, who are victims of poverty. There is one difference, however, and that is discrimination. It is not enough to pass laws and antidiscrimination ordinances and make pious pronouncements dealing with the value of school integration and equal employment opportunity. More is needed and the people of Oklahoma must take the initiative.

The momentum toward school desegregation in Oklahoma must be accelerated to achieve true integration in the public schools.

The question of women's rights, underscored by the controversy surrounding the Equal Rights Amendment and the abortion issue, is yet to be addressed.

In the area of public employment, the Governor and the legislature clearly must take the lead. There should be greater emphasis on affirmative action at the agency level and increased recruitment efforts to bring minorities and women into the work force. Upward mobility for minorities and women once they are employed must be assured.

There is currently a barrier separating Indians from the larger society. There is little understanding of Indian cultural values by the white population. On the other hand, some American Indians express little desire to accept the values of the larger society dominated, in large measure, by whites. These two positions must be reconciled if any progress is to be made in this area.

These issues and problems—complex and comprehensive—constitute the State's unfinished civil rights agenda. The question now is: Can the citizens of Oklahoma meet the challenge? The Oklahoma Advisory Committee believes they can.

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Oregon

In Oregon the white majority is 96 percent and Hispanics are 1.7 percent of the State's population. Urban areas attract two-thirds of Hispanics and the remaining one-third reside in rural areas. Blacks, 1.3 percent of the population, are mostly urban, and American Indians are concentrated in rural areas.

The incidence of poverty is 11.4 percent for the State's population. All ethnic minorities have a higher incidence of poverty than the white majority, and for blacks, American Indians, and Hispanics the percentage of families and individuals in poverty is more than twice as high as the overall State figures.

The State of Oregon has had a long history of positive struggle for equality. Recently, however, the black community has expressed concern that the Oregon Bureau of Labor is not providing sufficient attention to the enforcement of civil rights in employment.

The ombudsman office in Oregon does not deal with civil rights issues, but refers them to the appropriate agency. A black woman is in charge of that office, and she also serves on the school board of the Portland School District.

Civil Rights Developments

In Oregon, since the turn of the century, women have been accorded the property privileges given to men. In a case decided in 1900, the Oregon Supreme Court stated that a married woman could deal with her separate property, acquired from any source, in the same way that her husband could deal with his own property. She was also allowed to make contracts and to incur liabilities which could be enforced against her in the same way as a man.

Recent legislation, particularly in the areas of marriage and divorce, has significantly equalized the relationship between men and women in legal issues concerned with marriage or divorce. There has also been improvement in women's legal rights in credit, inheritance laws, and employment. The Equal Rights Amendment to the U.S. Constitution was ratified in 1973.

The participation of women in politics is becoming more evident. The number of elected women officials and women appointments from the Governor's office is increasing, and in 1976 the first woman was appointed secretary of state.

The last legislative session made a $100,000 appropriation to the department of human resources to help displaced homemakers get training for employment. Also in 1977, for the first time, the State women's commission was funded, and a total of $74,000 was provided for the next 2 years.

American Indians

The renegotiation of Indian treaties is an issue in Oregon. The concern is for the establishment of a valid baseline for such negotiations. Since the time the original treaties were negotiated, unanticipated economic and resource trends have affected tribal lands and Indian finances.

Many residents of northeastern Oregon are concerned about the effect of Senator Mark Hatfield's proposal to allow consolidation of local Indian lands. His bill would allow the confederated Cayuse, Walla Walla, and Umatilla tribes on the Umatilla Indian Reservation to buy, sell, and trade land on the reservation and to mortgage trust lands. The tribes want to consolidate land holdings that have been cut up in patchwork fashion since the treaty of 1855 and legislation in 1888. One of the biggest concerns of non-Indians is that the Hatfield bill would give the tribes the power of condemnation. Other issues involve reservation boundaries, water rights, loss of property taxes, and landlocking of parcels owned by non-Indians.

The chairman of the tribal board of trustees said that people on the reservation are a significant part of the community and are entitled to share in economic growth. He said the consolidation would allow the tribes to consolidate land to increase tribal income.

The Siletz Tribal Restoration Bill before the Oregon State Legislature once again brings up the

State's ability to regulate Indian fishing and hunting. Controversy over fishing rights in Oregon was taken to the courts on September 13, 1968, when the United States filed suit in U.S. district court against the State of Oregon, seeking judgment and injunction to enforce Indian off-reservation fishing rights in the Columbia River waterbeds. U.S. District Judge Robert Belloni on May 8, 1974, rendered a supplemental decision in *U.S. v. Oregon*, holding that Indian treaty fishermen are entitled to have the opportunity to take up to 50 percent of the harvest of the spring chinook destined to reach the tribes' usual and accustomed fishing places on the Columbia River. Both Washington and Oregon appealed the decision to the Ninth Circuit Court of Appeals.

The U.S. Ninth Circuit Court of Appeals, on November 26, 1974, held that under the treaties the Indian tribes reserved the authority to regulate tribal fishing at all accustomed places on or off the reservation. The State has limited authority to regulate in the interest of conservation, but tribes have broader authority to prescribe conditions under which members may exercise the treaty right and may arrest and prosecute members for violation.

In the continuing controversy over fishing rights, Judge Belloni, on August 20, 1975, issued a supplemental order in *U.S. v. Oregon* declaring that States must assure that the treaty tribes have an opportunity to take up to 50 percent of the harvest of Columbia River fall chinook salmon which the States permit to be taken by all user groups of fish destined to reach the tribes' usual and accustomed fishing places. The States are directed to promulgate comprehensive rules in cooperation with the Indians. This decision was affirmed by the Ninth Circuit Court of Appeals on January 28, 1976.

The Bureau of Indian Affairs has made Johnson-O'Malley funds available for Indian education during the past school year. A total expenditure of $154,744 served 1,048 Indian students in five school districts.

Special problems exist for Klamath Indians. In 1977 charges of discrimination against Indian students were leveled by the Office for Civil Rights, Department of Health, Education, and Welfare, against the Klamath County School District. Federal findings based on reviews after local complaints were filed charge that the district has failed to provide educational opportunities and services to Indian students as adequate as those provided to non-Indian students, failed to ensure equal administration of discipline to Indian students, and failed to recruit and hire faculty who reflect the racial-ethnic background of the district's student enrollment.

Of the 7,250 students enrolled in Klamath County schools, 443 or 6 percent are identified as Indians, and 2 percent of the certified staff and 7 percent of the classified staff in the district is Indian. Indian population in the county is an estimated 2,300 or about 4.1 percent of the total 55,500.

The district superintendent's office at Chiloquin High School, where 30 percent of the student population is Indian, provided information on the district's effectiveness in dealing with Indian students and their problems. In 1977, 31 percent of the graduates were Indians, compared to 24 percent in 1968. Klamath tribal officials feel that the district has good programs because of the pressure put on the district by the tribespeople. Chiloquin High School has a federally-funded Indian library with resources that are made available to other area schools. Federal funds also pay for special tutorial and counseling programs that benefit low-income students, including Indians. The funds also are used to sponsor field trips on which students, both Indian and non-Indian, visit Indian historical sites. Tribal officials argue that Indians are and will remain part of the school environment so that the district, and not the Federal Government, should be financially backing those special programs.

Housing

The Department of Housing and Urban Development is carrying out its assisted funding program in the State of Oregon. It has allocated in fiscal year 1977, $6,511,000 for low-income metropolitan housing. A total of $3,333,000 has been allocated for nonmetropolitan housing. Indian housing will receive $373,000.

HUD's compliance division in 1973 received 22 complaints under Title VIII of the 1968 Civil Rights Act and two Title VI complaints. From June 30, 1976, to July 1, 1977, HUD received 54 Title VIII complaints and no Title VI complaints.

Employment

The work force in Oregon as of April 1976 stood at 1,046,500, and minorities participated at the rate of 3.9 percent (40,543), which is slightly below the percentage of minorities in the total State population.

Although the work force is 3.9 percent minority, minorities constitute 5.3 percent (5,502) of the unemployed. The white majority rate of unemployment is slightly lower than the rate for the total work force. In contrast, minorities are overrepresented in the unemployment ranks by 4 to 5 percentage points.

Female participation in the Oregon work force is 408,756 or 39 percent. The overall unemployment rate of women is 9.5 percent, which is slightly below the total work force rate of 9.9 percent. Although minority women are only 1.5 percent (16,091) of the total work force and 3.9 percent of the female work force, they have an unemployment rate of 10.8 percent (1,746).

Hispanics in the labor force number 14,849 or 1.4 percent. The occupations of operative, service worker, and farm labor are held by 5,033 or 33.9 percent of Hispanic workers.

The Federal Government has absorbed 21,203 of Oregon's work force. The breakdown by ethnicity is: 472 blacks (2.2 percent), 190 Hispanics (0.9 percent), 329 American Indians (1.6 percent), and 237 Asian and Pacific Islanders (1.1 percent). Hispanics are slightly underrepresented in the ranks of Federal employment. Minorities are 1,228 (5.8 percent) of the total employed, which is comparable to their percentage in the State population.

The total of minorities in State government employment is 1,150 or 5 percent, which compares favorably with total minority participation in the work force. The percentage of 42.9 female State employees also compares favorably with the percentage of women participating in the work force.

Education

The total statewide school enrollment is 474,707, composed as follows: 443,447 white (93.42 percent), 9,466 black (1.99 percent), 8,832 Hispanic (1.86 percent), 5,568 Asian and Pacific Islanders (1.17 percent), 6,705 American Indian (1.41 percent), and 689 Russian (0.15 percent). As of July 1977, six school districts with 18 schools have been identified as racially imbalanced according to Federal guidelines. Seven other school districts have 11 schools in the 40 to 49 percent range of enrollment for a single minority. To date there are no court-ordered desegregation efforts. However, the Portland School District has a voluntary racial transfer program, while Jefferson County has a voluntary compliance plan.

The U.S. Office of Education has ruled that the Portland School District is ineligible for Federal desegregation funds ($659,378) owing to suspension practices which discriminate against minority students. Mexican American parents, who are part of the State's largest minority, had complained to the Oregon Advisory Committee of the U.S. Commission on Civil Rights in early 1970 about overall treatment of Mexican American students in Oregon schools.

The Oregon State school system operates several bilingual programs. The Hispanic bilingual program serves 574 Hispanic children; 336 Asian American students and 397 Russian students are also served through bilingual programs.

The affirmative action program at the University of Oregon began in 1971 when HEW's Office for Civil Rights (OCR) made an onsite compliance review of salaries for women. OCR found the University of Oregon in noncompliance and required the university to submit a corrective plan. The Higher Education Amendments of 1972 regulated the development of the affirmative action plan. In March 1974 the university submitted its first written plan and to date is awaiting Federal approval.

Under affirmative action program guidelines, during the report period October 1, 1975, to September 30, 1976, 34 percent of all academic vacancies were filled by women, and 10 percent were filled by minorities. Women filled 30 percent of the full-time regular or fixed term professorships and 16 percent of the full-time, visiting, or grant-related professorships. Minorities filled 11 percent of the full-time, regular, or fixed term professorships and 19 percent of the visiting or grant-related posts. Not one American Indian was hired in any capacity.

No women or minorities were appointed to top administrative positions in the academic affairs area, although three vacancies occurred during the report period. Three white males, one appointed on an acting basis, were hired to fill the positions.

The university had established 28 hiring goals for 1975–76, and 12 were achieved or exceeded during the period. Women filled 79 percent and minorities filled 4 percent of classified vacancies. All classified service goals for hiring minorities were achieved, although not necessarily in the ethnic distribution specified in the goal statement. Correction of the underutilization of women in the executive manager and craft positions remains a goal of the university.

Minority students, however, have made no gains in increasing their numbers at the University of Oregon since 1973. Programs which once served minority students are defunct.

Administration of Justice

The Oregon Advisory Committee participated in the Commission's national prison study in the early 1970s. Conditions in the Oregon prison system have been characterized as progressive and the system is viewed as a potential model for other State systems to follow.

The Oregon Advisory Committee recommended improvements in staff training, educational and vocational training programs, work, disciplinary procedures, judicial process, communications, and rehabilitation. Since the time of the report, Oregon State prison programs have made changes in line with many of the recommendations of the report.

Hiring of minorities has improved considerably since 1973. Minority employees in the State penal system include 41 blacks, 50 American Indians, 8 Asian Americans, and 18 Hispanics. These are distributed so that 7.7 percent (33) of the personnel is minority in the Oregon State Correctional Division, 7.9 percent (20) at Oregon State Correctional Institution, and 5.7 percent (31) at Oregon State Penitentiary. These percentages compare favorably with the State guidelines of 5 percent minority staff.

Training at the penal institutions has been modified so that personnel must take 4 hours of communications (human relations) and 4 hours of training dealing with affirmative action. The total of 8 hours is 10 percent of the 80 hours of basic orientation which officers or counselors receive in their training.

Following investigations of the Oregon Advisory Committee in 1973 and 1974, the Oregon Legislature in 1975 created a joint education planning and development team for the department of corrections. The department of education handled curriculum and programs while corrections handled the finances and facilities. The results have been substantial. It is now possible for individuals to enter prison as nonreaders and exit with 2-year degrees. The credits for training received are college transferrable.

The programs, training, and courses are made available to all interested parties. In the next biennium, women inmates will be phased into the male vocational training programs. Currently, women can attend courses held on the campus of the local community college.

In 1976 the statute pertaining to death while under felony confinement was repealed by the Oregon legislature. Inmates retain all rights insofar as their exercise does not interfere with security. The prison rules and sanctions are more sharply delineated than in 1973. Currently, no State funds are available for family counseling. No pamphlets are printed in Spanish. The definition of rehabilitation is undergoing scrutiny for the purpose of developing full-time rehabilitation programs.

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Pennsylvania

The Commonwealth of Pennsylvania had a 1970 population of 11,793,864, the third most populous State in the country. The Keystone State's minority population included 1,015,576 blacks or 8 percent of the total; 44,263 Puerto Ricans; 5,701 American Indians; 4,962 Pilipino Americans; 2,639 Korean Americans; and 7,027 of other races.

Pennsylvania's economy is largely based on primary metal industries, especially blast furnaces and steel mills. Other industries include insurance and real estate, garment manufacture, machinery, electrical equipment and supplies, metal products, and food products. Forty-five percent of the labor force are white-collar workers, 42 percent blue-collar, 12 percent service, and 1 percent farm.

Civil Rights Developments

The State human relations commission was created by State law in 1955. Additionally, public human relations agencies created by local governments have been established in 65 cities. These local agencies cooperate with the State commission in promoting equal opportunities. The State commission provides services and technical assistance to these groups, especially to those local agencies with enforcement powers and affirmative programs to eliminate unlawful discriminatory practices as defined by the Pennsylvania Human Relations Act.

Four major coalitions operating in the State are the Pennsylvania Equal Rights Council, the Eastern Pennsylvania Coalition for Human Rights, Western Twenty-Three for Pennsylvania Human Rights, and the Philadelphia Fellowship Commission. Religion-oriented human relations groups also work on a regional and statewide basis. Among these, the American Friends Service Committee has made significant contributions throughout the years to civil rights issues.

Working on behalf of women's rights are such groups as the Pennsylvanians for Women's Rights, and Pennsylvania affiliates of the National Organization for Women, National Black Feminist Organization, National Women's Political Caucus, and Women's Equity Action League.

The Pennsylvania branch of the National Association for the Advancement of Colored People (NAACP) also has a strong and active force in its 54 chapters over the State. The Urban League has branches in Lancaster, Philadelphia, and Pittsburgh. The American Civil Liberties Union (ACLU) also is highly visible and active. Providing a Federal civil rights perspective is the Pennsylvania Advisory Committee to the U.S. Commission on Civil Rights. The factfinding studies that the Advisory Committee produces are often used as the basis for further action by other organizations and individuals.

Civil Rights Enforcement

The Pennsylvania Human Relations Commission administers and enforces the Pennsylvania Human Relations Act passed on October 27, 1955. This law prohibits discrimination in "employment, housing, and public accommodations based on race, color, religion, sex, ancestry, national origin, handicap or disability, blindness, or age, and the willingness or refusal of a person to perform abortions or sterilizations." The Pennsylvania Fair Educational Opportunity Act prohibits discrimination in education. The State legislature overwhelmingly ratified the Equal Rights Amendment in 1972. The constitution of the Commonwealth of Pennsylvania outlaws discrimination against any person in the exercise of any civil right (section 26) and prohibits any denial or abridgement of equality of rights because of sex (section 28).

Education

One of the most pressing problems facing Pennsylvania has been desegregation of its public school system. In Pennsylvania an important factor in achieving school desegregation has been the State commission on human relations. However, there have been repeated legislative efforts to try to eliminate the commission's jurisdiction in this

area. Since 1968 commission action has successfully desegregated 22 school districts throughout the State. Despite the commission's efforts, neither Pittsburgh nor Philadelphia has developed satisfactory school desegregation plans.

The percentage of nonwhite students has been increasing, and the white student population has been decreasing. In Philadelphia's public schools, a majority of the students is nonwhite (62 percent) as in many metropolitan areas throughout the country. Philadelphia still has not developed an acceptable desegregation plan, although the State human relations commission has pressed this matter since 1968. The commission and the school board are currently under Commonwealth court order to submit desegregation plans to the court. All previous plans have been rejected. Legislative budget cuts for Philadelphia school funding threaten to undermine gains already made in school desegregation efforts. The commission and other groups continue to face the challenge of desegregating the public school system.

To assist school districts in Pennsylvania and throughout the Mid-Atlantic area, the Mid-Atlantic Regional Office of the U.S. Commission on Civil Rights held a conference on achieving school desegregation in the fall of 1976 and invited school personnel, students, parents, community groups, and public officials to work together to develop strategies to effect desegregation of the public schools.

Migrant Workers

Another problem which has plagued the State in the past and continues to do so is the plight of migrant workers. A 1961 U.S. Commission on Civil Rights report targeted the rights of that group as one area in which there was the least amount of progress. Part of the solution, the report indicated, was achievable through Federal legislation. Some gains and improvements have occurred through Federal legislation for farmworkers, such as the Federal Crew Leader Registration Act and amendments to the Fair Labor Standards Act.

However, the Pennsylvania Advisory Committee has learned, from its investigations and studies, that few changes have been effected for workers in the mushroom industry. This information was obtained from a joint informal hearing in 1976 (with the Delaware Advisory Committee) on the working and living conditions of mushroom workers in Chester County, Pennsylvania, and New Castle County, Delaware.

Major findings were that mushroom workers have too often been excluded from urgently needed services in areas such as health, education, housing inspection, employment, and training because they have been "defined out" of the target population of farmworkers. Housing provided for workers by mushroom growers was found to be substandard. Working conditions also were found to be unsatisfactory. Few mushroom workers are protected by collective bargaining, unemployment insurance, workers compensation laws, or health and safety laws. While this is true for most farmworkers, mushroom workers also are excluded from benefits for Federal assistance programs enjoyed by other such workers because they are not included in the target population of those programs.

The mushroom workers investigation also brought to light the plight of undocumented aliens from Mexico who are employed in the mushroom industry. The Advisory Committee learned that they work for low wages and do not complain about poor working and living conditins for fear of apprehension and deportation.

Administration of Justice

In Philadelphia, the "City of Brotherly Love," a grand jury investigation of the police department is currently underway. In 1972 the Pennsylvania Advisory Committee held an informal hearing on police-community relations prompted then, as now, by charges of police abuse.

In its report, *Police-Community Relations in Philadelphia* (June 1972), the Committee found that the Philadelphia Police Department made numerous unnecessary arrests, leaving many citizens with the undeserved stigma of a police record. The majority of these unnecessary arrests were made of minority citizens, especially minority youth. A general concern was expressed that the police department was not held adequately accountable for its actions. The Advisory Committee recommended that the city establish a mechanism for registering, investigating, and disposing of complaints against the police or individual policemen with respect to violations of civil rights. It also recom-

mended that a nonpartisan citizens' board, representative of the population of Philadelphia, be created to guide the overall policy of the police department and that citizens' boards be established in each district. It outlined specific steps that police personnel could undertake immediately and also suggested reforms and improvements in the environment in which police work is done and justice is administered.

Although some of the Advisory Committee's recommendations were acted upon and citizens' boards were created in Philadelphia, tension between the police and community has grown again to alarming proportions.

Housing

In a 1976 landmark decision, Judge Raymond J. Broderick of the U.S. District Court for the Eastern District of Pennsylvania ordered that townhouse public units be built as originally contracted in 1956 for the Whitman Park Project in Philadelphia. The court found that in blocking housing in the area, defendants in the case—the city of Philadelphia, the city housing and redevelopment authorities, and the Department of Housing and Urban Development (HUD)—violated Title VI of the 1964 Civil Rights Act and Title VIII of the 1968 Civil Rights Act. The court also found violations of the 5th, 13th, and 14th amendments to the Constitution. This decision provided renewed hope in housing opportunities for low-income and minority citizens in Philadelphia and the Nation.

Voting Rights

Over the past two decades, there has been widespread concern about the voting rights of racial and language minorities. Only in the past few years, however, has this concern extended to those who reside in institutions for the physically and mentally handicapped. Apparently no national policy exists regarding the disenfranchisement of the institutionalized. The Pennsylvania Advisory Committee as of this writing is investigating the voting participation of physically and mentally handicapped institutionalized citizens.

Employment

The median family income in Pennsylvania is $9,554. Eighteen percent of Pennsylvania's families have incomes greater than $15,000 and 8 percent have incomes less than $3,000. The average income of black families remains 40 percent below that of whites. The gap closed slightly in the 1960s but it has not changed since 1970. In the current recession, minority group persons and women have been disproportionately affected by layoffs in business and industry. Strong efforts must be made to ensure continuing compliance with affirmative action plans for hiring, training, and promoting women, minority group persons, and those who are handicapped or disabled.

Unfinished Business

Unequal treatment in education, jobs, housing, and the administration of justice is still widespread. Stronger enforcement and strengthening of existing legislation is necessary to eliminate barriers in these areas for minority group persons, women, and the handicapped so that all persons in the Commonwealth may enjoy the free exercise of their civil rights. Civil rights organizations within the State face the challenge of eliminating discrimination whether it is open or subtle, sporadic or systemic.

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Rhode Island

According to the 1970 census, there were 948,844 persons in the State of whom 482,434 were women. There were 25,259 blacks, or 2.8 percent of the total population; 6,961 Hispanics or 0.7 percent; 1,390 Indians; and 5,240 members of other minority groups. Franco Americans make up the single largest ethnic group and 101,270 persons or 11.2 percent listed French as their first language in the 1970 census.

In 1975 the State planning department estimated that the total population had increased slightly to 952,232 persons. Although there were no official estimates of the change in minority populations, the Urban League of Rhode Island estimated that the black population was 33,500 and the Hispanic population was 20,000. These minority estimates are based on the 1970 census (including compensation for an alleged undercount of minorities) and migration into the State since the last census.

In the past 5-years, Hispanics and Portuguese-speaking groups have become increasingly organized.

The largest group of Hispanic persons came from the Dominican Republic, the second largest from Colombia, and the third largest from Puerto Rico. Many of the non-Puerto Rican Hispanics are aliens, some documented (with legal status) and some undocumented. The Portuguese-speaking community includes both whites from the Azores and those from the Cape Verde Islands, many of whom are black. Many Cape Verdeans were misrepresented in the 1970 census because the Portuguese-speaking community was generally listed as white.

The Hispanic and Portuguese-speaking populations are concentrated largely in the central and eastern areas of the State and in cities such as Central Falls, just north of Providence. Franco Americans are concentrated in the northern areas of the State, such as Woonsocket.

Some sources claim that there are as many as 2,500 American Indians in the State. This estimate includes approximately 2,000 Narragansett and other Indians representing as many as 18 other tribes in other States. Although the Narragansett reservation was broken up in the late 1880s, the tribe still has 7 acres with a long house and a tribal church in Charlestown in Washington County.

State authorities estimate that, while the total population will remain relatively constant, the minority population will increase rapidly in the next 20 years.

Providence is the State's capital and its largest city. Of a 1970 population of 179,213, 15,875 (or 8.9 percent) were black, 1,387 (or 1.1 percent) were Hispanic, and 2,000 were members of other minority groups.

Black families earned significantly less than members of other minority groups. In Providence, where there is the highest concentration of blacks, the median income of black families was $5,627. Approximately 29.9 percent of black families were on public assistance and 31.5 percent earned below the poverty level. The median income for all families in the city was $8,430, with approximately 11.2 percent receiving public assistance and 13.3 percent earning below the poverty level. The median income for Hispanic families was $8,288; approximately 21.6 percent received public assistance and 18.7 percent earned below the poverty level.

According to the State department of employment security, in 1976 women made up approximately 41.3 percent of the labor force. Although the unemployment rate for the State as a whole was 8.1 percent, the rate for women was 9.5 percent. Approximately 11 percent of blacks and 8.1 percent of Hispanic persons were unemployed. The highest unemployment rates were for black and Hispanic women, 12.3 percent and 17.4 percent, respectively. There is also a significant difference between the salaries earned by men and women. In 1970 the median income for men was $6,062 and for women $2,392.

Civil Rights Developments

Enforcement

The Rhode Island Commission on Human Rights is the primary civil rights enforcement agency in the State. Providence also has a human relations commission.

The State commission was established in 1949 with jurisdiction over discrimination in employment, and later public accommodations and housing, on the basis of race, color, religion, and country of ancestral origin. Its jurisdiction was amended to prohibit employment discrimination on the basis of sex in 1971 and against the physically handicapped in 1973. Housing discrimination against the physically handicapped was prohibited in 1973 and on the basis of sex and marital status in 1977. Discrimination in credit on the basis of sex and marital status was prohibited in 1974. The State's civil rights legislation is uneven. Current laws do not prohibit sex discrimination in public accommodations or racial or national origin discrimination in credit transactions.

The State's permanent advisory commission on women was established by a joint resolution of the general assembly in 1970 to advise the State government. The commission has lobbied on a wide variety of issues including improvement in the State correctional facilities for women and the inclusion of prohibitions against sex discrimination in the State's fair housing legislation.

In November 1976, executive order no. 39 established the Rhode Island Commission for Indian Affairs to investigate problems of persons of American Indian heritage and to "aid in their resolution." In addition, the commission provides assistance to Indian organizations and individuals in gaining access to Federal, State, and local programs. Seven of the eight commissioners are nominated by American Indian groups.

A number of executive orders related to civil rights have been issued at the State and local levels. Of particular interest are those relating to equal employment opportunity in State and local governments, which were the focus of the Advisory Committee's 1975 report, *Minorities and Women in Government: Practice versus Promise.*

At the time of the Advisory Committee's study, State government operated under an executive order requiring affirmative action by all State departments. This order, which was issued by former Governor Frank Licht, had never been implemented. During the week of the Advisory Committee's informal hearing on the issue, then Governor Philip Noel appointed an affirmative action officer for State government. Several months later, he issued a new executive order. Since then, while the Advisory Committee has monitored progress in State government, additional EEO staff members have been hired and mechanisms to promote affirmative action in all the State departments have been established.

At the time of the Advisory Committee's hearing, the city of Providence had an executive order requiring nondiscrimination but not affirmative action by all city departments. However, sex discrimination was not prohibited by the order. Following the hearing, then Mayor Joseph Doorley added sex discrimination to the executive order. In 1975 Mayor Vincent A. Cianci established an affirmative action committee that had been working to develop an affirmative action plan for the city. Similar mechanisms to further equality of employment opportunity were established in East Providence and Newport, the two other cities included in the Advisory Committee's study.

At present, there is a bill before the Providence City Council to revise and strengthen the human rights ordinance and extend the powers of the Providence Human Relations Commission.

One significant piece of civil rights legislation was a bill passed in 1970 requiring racial balance in all public schools. A school was considered racially imbalanced if its classes varied by more than 10 percent from the white and minority representation at the same grade level in the school system.

Employment

Employment in both the private and public sectors is a major concern of minority and women's groups. In addition to State and local government, the Rhode Island Advisory Committee has reviewed the construction industry. In 1970 the Advisory Committee reviewed minority employment in federally-financed construction projects and found that, while minorities made up almost 10 percent of the Providence population, they accounted for less than 1 percent of the membership of construction craft unions in the area. The Advisory Committee, which held an informal public

hearing and issued a report, *Toward Equal Opportunity in the Construction Industry*, was instrumental in the development of the "hometown plan" for increasing minority participation in the construction industry in the State.

Education

In the 1960s liberal white and minority parents became concerned over the quality of education and the increasing segregation in the Providence schools. Following a series of negotiations between the school department and interested community groups, the city voluntarily implemented a three-phase desegregation plan. Phase I desegregating the elementary schools went into effect in September 1967. Phase II affecting the middle schools went into effect in September 1970, and Phase III affecting the high schools went into effect in September 1971. Throughout the three phases, there were sporadic disturbances, largely at the high schools and periods of racial tension throughout the system.

The Advisory Committee has played a significant role throughout the desegregation process. In 1966, Rev. Raymond Gibson, then chairperson of the Advisory Committee, was one of the first persons to speak out against the partial desegregation plans then under consideration and to call for a plan affecting all the city public schools. The Advisory Committee continued to monitor the schools. A 1977 Commission report reviewing the desegregation process points out several critical problems in the school system, including the underrepresentation of minorities on the staff, the growing resegregation of many classes, the lack of minority student participation in extracurricular activities, and the disproportionate number of minority students being bused.

Women's Issues

In 1972 Rhode Island ratified the Federal Equal Rights Amendment.

Equal employment opportunity is a major concern to women's groups. In recent years the working woman has lost several battles in Rhode Island. In 1973, the Rhode Island Commission on Human Rights charged the Narragansett Electric Company with sex discrimination because pregnant employees were required to leave work in the fifth month of their pregnancy and return to work 3 months after the birth of the baby. The Human Rights Commission won in lower court but the ruling was overturned in 1977 by a three to two vote in the State supreme court. The supreme court's ruling spoke only to sick pay because the company had rescinded its mandatory leave policy. Another setback occurred in 1977 when Governor Garrahy vetoed a bill which would have allowed temporary disability insurance for women unemployed by illness due to abnormal pregnancy. A third setback occurred when a bill to provide flexitime and part-time jobs in State government was defeated.

Women's groups have also become increasingly concerned about the problems of the homemaker. A report, *The Legal Status of Homemakers in Rhode Island*, concludes that "the status of homemaker in Rhode Island leaves a dependent wife in an extremely vulnerable position." The report analyzes State and Federal credit, property, estate, and divorce laws and regulations which are disadvantageous to the homemaker. The homemaker is, for example, required to cosign and therefore become liable for her husband's debts; however, she is not able to obtain credit on her own unless she is employed or has other assets. The 1977 legislature established a commission to study the feasibility of setting up a program for displaced homemakers.

The homemakers report also refers to the problem of abused women, which has received increasing attention. Legislation was passed in 1977 creating a new category of domestic assault and enabling an officer to make an on-the-spot arrest if there is "probable cause" rather than requiring the woman to file for a warrant at a later date.

Because of the religious and cultural traditions of the State, the right to elective abortions has remained a controversial issue. In each year between 1972 and 1976, at least one bill restricting a woman's right to abortion was passed by the State legislature and subsequently declared unconstitutional by the courts. In 1977 the legislature passed a resolution calling for a constitutional convention to ban abortions. Governor J. Joseph Garrahy has taken a strong stand against elective abortions and the use of Medicaid funds for them.

Unfinished Business

Employment

The status of equal employment opportunity in State government exemplifies much of the move-

ment in civil rights in Rhode Island in the last 5 years. On paper, the progress looks good. The State has created a number of mechanisms to further equal employment opportunity in State government—a series of executive orders requiring affirmative action, an EEO office, and EEO officers in all State departments. However, in part because of economic difficulties, the change in the employment profile has been small. There has been little progress in hiring and promoting minorities and women.

In recognition of this problem, the 1977 legislature passed a resolution asking Governor Garrahy to consider the employment of women in responsible State positions.

The Black Coalition on the Building Trades, which was formed during the Advisory Committee's earlier inquiry into discrimination in the construction industry, is one of the few such coalitions in the Nation which continues to operate. The coalition and the staff of the Rhode Island Construction Industry Employment Opportunity Plan continue to point to the need for both increased hiring of minorities and enforcement of Federal nondiscrimination requirements for federally-financed construction projects.

Staff members of the Urban League of Rhode Island agree that the failure of affirmative action, particularly on the part of State and local governments and contractors with those governments, is one of the most critical problems in the State.

Aliens

The number of undocument aliens in the State is a matter of growing concern. Many are employed in low-paying jobs and live in substandard housing. The jobs they hold and services they receive are components of a growing controversy. A bill to penalize employers of undocumented aliens passed the State senate but, following an intensive campaign by Hispanic organizations, was killed in the house.

Women's Issues

In the 1970s sex discrimination was prohibited in many areas of life as the jurisdiction of the State commission on human rights expanded. The Federal ERA was ratified and significant legislation passed. Nonetheless, much remains to be done to assure equality of opportunity for women in Rhode Island.

Each year since the ERA was ratified, a bill has been introduced to rescind the ratification. The controversy over the right to elective abortions indicates that there is significant opposition to recent gains in that area.

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South Carolina

South Carolina can be characterized as a rural State with a large black population. Even when towns of 2,500 or more residents are designated urban, the State is 52 percent rural. South Carolina has 2–1/2 million people, 30 percent of whom are black. Other minorities include some 11,000 Hispanics, 2,241 American Indians, and 4,804 persons of other ethnic backgrounds. Until 1930 blacks outnumbered whites but the black population has remained fairly constant, approximately the same as in 1900, whereas the white population has tripled in the same interval.

Civil Rights Developments

Civil rights problems in South Carolina are numerous and diverse. There are great disparities between blacks and whites in income, housing, education, and health. Women, 51 percent of the population, earn substantially less than men and stand unequal before the law. As homemakers, wives have no enforceable financial interest in a marriage. American Indians, primarily Catawbas and Lumbees, are scattered among five counties, primarily in rural areas. The disparities in quality of life between American Indians and white persons are even more striking than between blacks and whites. American Indians are less organized than blacks and therefore have difficulty reversing discrimination against them. All minorities in the State recognize the inequalities that exist between themselves and the white majority and the need to deal with the processes and institutions which perpetuate those differences.

South Carolina's civil rights problems can better be understood by looking at developments in specific areas from the time of the Civil Rights Act of 1964 to the present, noting major events and activities in that period.

Education

School desegregation has occupied the limelight of civil rights involvement since 1964. The year 1979 will mark the 25th anniversary of the Supreme Court decision of *Brown v. Board of Education*, the landmark school desegregation case. That decision was based on a consolidation of other cases, including *Briggs, v. Elliott*, which was filed in Clarendon County, South Carolina. South Carolina had used delaying procedures to avoid school desegregation. There was a belated attempt to equalize the facilities of segregated schools. "Freedom of choice" plans produced token transfers of blacks to formerly white schools. "With all deliberate speed" the courts and the U.S. Department of Health, Education, and Welfare closed loopholes and gave ultimatums to districts to provide a unitary school system. In the period from 1969 to 1971 most districts complied with plans approved or written by HEW. Any school districts which do not now meet HEW standards for desegregation are districts where courts have ordered desegregation and for which HEW therefore does not exercise jurisdiction.

The transition from segregated to unitary schools was not always nonviolent. There were incidents in Dorchester, Edgefield, Florence, and Chesterfield Counties. The most publicized event occurred in Lamar in March 1970, when irate white persons overturned and burned school buses and attacked the South Carolina highway patrolmen who had arrived to restore order.

One result of the movement to unitary school systems was the creation of private schools, labeled "seg academies," to avoid school desegregation. Some of these schools died out while others prospered. In the school year 1973–74, there were 47,060 students enrolled in private schools, representing some 6.8 percent of all students in the State in both public and private schools. Some school districts became virtually all black. The substantial declines in public school enrollment frequently led to reductions in the tax allocation for public school operation. Clarendon District 1 had a 99.9 percent decline in white enrollment in the period from 1964–65 to 1973–74; the median annual decline in white enrollment for that period was 12 percent. In 1976 the South

Carolina Advisory Committee studied the desegregation of Williamsburg County school district, which had an 80 percent black enrollment. Desegregation was peaceful there and improvements in the quality of education have been substantiated.

Black persons who support public schools look not only at the type of education offered but also at the interest of school teachers and officials in the welfare of students. In the fall of 1976 black students boycotted the schools of Calhoun County. They alleged insensitivity on the part of school officials, one of whom was black, to black students' concerns and objected to the fact that some public school teachers sent their children to private academies. Local and State public officials responded by establishing a nonresident biracial committee to mediate. In another part of the State, Civil Rights Commission staff members went to York in February 1975 to assist in resolving problems created in the consolidation of formerly black and white schools.

Not all school problems dealt with race. A survey of five school districts in South Carolina showed violations of Title IX of the educational amendments of 1972 relating to sex discrimination in federally-supported school programs. In the five districts, there was only one female principal of a secondary school; there were 40 male principals. The Office for Civil Rights of HEW required school districts to undertake a self-examination concerning sex discrimination and to develop a plan and timetable to eliminate such practices by July 1976. Few school officials made any attempt to comply with these directives before that date.

The median school years completed by persons 25 years of age and older illustrates the past performance of the school system: white persons completed 11.4 years and blacks, 7.7. South Carolina is in the bottom position of the 50 States in the category of per capita expenditure for public education and South Carolina high school seniors score substantially below the national average on the standard Scholastic Aptitude Test.

Employment

Statistics on income give a realistic picture of employment practices in the State. For persons 14 years and older with an income, the median income for whites is $4,102 and for blacks is $1,991—more than a 50 percent differential. Forty-eight percent of black families and 10 percent of white families live in poverty. The income differential by sex is clearly seen in the median earnings of persons 16 years and older—males receive $5,658 annually and females $3,230.

State government, although the largest employer in the State, has come under attack for discriminatory practices. The Black Caucus of the legislature, composed of the State's 13 black legislators, requested in March 1977 that the Equal Employment Opportunity Commission (EEOC) file a Commissioners' charge. The caucus alleges that approximately one-fifth of State agencies have no blacks in supervisory positions. The caucus has received word from the EEOC that there appears to be a basis for the Commissioners to take the action requested.

Concern over employment, especially the role of the State, led 10,000 persons to march on the State capitol in January 1976. In the rally that followed, the director of the Southern Regional Office of the U.S. Commission on Civil Rights spoke to the group, pledging the support of the Commission in the study of employment discrimination.

In September 1975 a class action suit was filed in district court against the State, charging flagrant discriminatory practices against women. The suit noted that females in State employment were found predominantly in the lower paid categories and almost excluded from higher pay classifications. The South Carolina Highway Patrol, after filing suit against the U.S. Government to prevent the Law Enforcement Assistance Administration from withholding funds for its refusal to hire women, was ordered to place women in the September 1977 training class. Victoria Eslinger used the court to force the legislature to hire females as pages in the house and senate.

A serious threat to the employment of black teachers was posed in 1976 when the State department of education raised the National Teacher Examination test scores required for teacher certification. The South Carolina Education Association had unsucessfully challenged the State's use of this test because salaries were related to test performance and the average salary of black teachers fell substantially below that of white teachers.

In tests given in November 1976 and February 1977 to college seniors planning to teach, 60 per-

cent passed. However, only about 3 percent of the seniors in the State's six predominantly black colleges passed the test. The highest percentage for students at any of the black colleges was less than 10 percent; one college had no seniors who passed. If this certification procedure remains effective, the employment of black teachers in a public school system which is becoming increasingly black is clearly in jeopardy.

South Carolina is one of only two States in the Southeast to establish an agency to implement antidiscrimination laws. The South Carolina State Human Affairs Commission, created in 1972, has also been designated as a referral agency by the EEOC to handle South Carolina complaints filed through that agency. During the fiscal year ending June 30, 1976, the commission received 193 complaints; 67 percent were based on race, 21 percent on sex.

Equal Rights Amendment

In 1975 a coalition of 33 organizations worked for ratification of the Equal Rights Amendment and 32 legislators cosponsored the bill. With a combination of a surprise vote and a parliamentary maneuver, the opposition successfully tabled the bill by a house vote of 46 to 43. In 1977 the bill was reintroduced, but supporters were unable to have the legislation brought before either the house or senate.

The 600 persons who attended the South Carolina Conference of the International Women's Year Commission held in June 1977 voted support for the ERA. The conference also passed resolutions relating to employment of women that had been recommended by the National Commission on the Observance of International Women's Year.

Administration of Justice

The single most tragic event related to struggles for civil rights in South Carolina was the killing of three black students by law enforcement officers on the campus of South Carolina State College in Orangeburg on February 8, 1968. The students had been restricted to the campus to prevent further demonstrations aimed at the desegregation of a public bowling alley. In the confrontation with law enforcement officers, rocks were thrown by students, and police officers opened fire, leaving three students dead. Based on voluntary statements by South Carolina Highway Patrol officers to the FBI, nine highway patrolmen were tried in Federal district court and acquitted; five had been promoted prior to the trial. Advisory Committee Members and Commission staff made several trips to Orangeburg to interview persons concerning this event.

The State highway patrol confronted violent white persons protesting school desegregation in Lamar in 1970, and although there was considerable provocation and one patrolman was injured, the officers did not fire a shot. Three of the leaders of the demonstration were indicted and convicted in a State court and served prison sentences.

Many persons were concerned over the deaths of several black males in a series of encounters with law enforcement officers in 1974–75—11 black males were killed and 3 black males and 2 white males were injured in that period. In December 1975 Governor James Edwards appointed a "blue ribbon" committee, the Governor's Committee on Police-Community Relations. The Committee has conducted two workshops that brought together minority community persons and representatives from law enforcement agencies, courts, educational institutions, and the general public. In 1976, six persons—three black and three white—were killed by police officers.

The State legislature in 1977 enacted the Criminal Sexual Conduct Code, which has been hailed as the finest piece of legislation in the country dealing with rape. Its provisions include a procedure for the treatment of sexual assault victims, a range of classifications for the crime based on the amount of physical force or coercion involved, and a provision to accept males as victims.

Based on United States Supreme Court decisions relating to the death penalty, the South Carolina Supreme Court ruled that the South Carolina law was unconstitutional. The legislature in 1977 enacted a new death penalty law modeled on Georgia's which had been ruled constitutional. Despite the opposition of the Black Caucus, the law was passed overwhelmingly in both houses.

It is significant that blacks in South Carolina have recently assumed positions of stature in the criminal justice system for the first time. Matthew Perry, former counsel for the NAACP and Democratic candidate for Congress, was appointed

to the U.S. Court of Military Affairs by President Ford on the recommendation of Republican Senator Strom Thurmond. Former Advisory Committee Chairperson Ernest Finney was elected judge of the circuit court by the legislature when several new circuit courts were created. President Carter named Andrew Chisholm as U.S. Marshall for South Carolina.

Voting Rights and Political Participation

The Voting Rights Act of 1965 and its amendments have enabled South Carolina blacks to gain more voice in government. The State's population is 30 percent black, and in 1974 there were 254,713 blacks registered to vote, 26 percent of registered voters. In a Deep South State, it is remarkable that the percentage of eligible blacks registered to vote is only half a percentage point less than eligible registered whites. This is by far the best record for registration of blacks in the South. In 1977 there were 194 blacks, of whom 14 are women, elected to public office.

Objections raised by the U.S. Attorney General under the Voting Rights Act resulted in the creation of single-member districts for the State house. This overturned the "full slate" law which required a voter to cast as many votes as there were vacancies. Without the full slate law, a black voter can now cast a vote for only one candidate even if there are several vacancies, thus giving minority candidates more opportunity for election. Thanks to single-member districts, blacks were able to increase their representation in the house from 3 in 1973 to 13 in 1974. The law governing the election of State senators has been challenged by the U.S. Attorney General because it does not conform to the single-member district concept, but the courts have so far ruled for the State.

Black political power is strong within the Democratic Party. In the 1968 State convention, there were 200 black delegates out of a total of 900. Blacks made up approximately one-third of the South Carolina delegation to the national conventions in 1968 and 1972. A black has been vice chairperson of the State party since 1968, and a black is national committeewoman for the State; she is also a member of the State Advisory Committee.

Housing and Welfare

Statistics on housing for minorities clearly reveal the gap that exists between housing for whites and blacks. The median value of a black homeowner's house ($7,800) is 59 percent of the median for all owner-occupied housing; 65 percent of black-owned homes have no flush toilets and 71 percent have no water. Another grave disparity between blacks and whites is seen in mortality statistics. The average life span of blacks is 62.2 years compared to 70.3 for whites.

The Advisory Committee has been especially concerned with issues of housing and welfare as they relate to minorities and women. An informal hearing on welfare was held in Dorchester County in 1970 and on housing in Greenville in 1972. A case that received considerable attention involved a private physican in Aiken County who was the only person handling Medicaid patients. He insisted on sterilization for women following delivery of their third child; the court required that he discontinue that procedure.

In 1976 a consortium of human service agencies in Columbia passed a resolution requesting that a portion of revenue sharing funds coming into the State be allocated to human services.

Unfinished Business

This report is not intended to be comprehensive. Gains have been made in several areas but they are offset by the monumental tasks yet to be undertaken.

The civil rights status of a State can be measured by comparisons between males and females and between whites and minorities in areas which directly affect their daily lives—income, housing, health, and education. Careful study of this information will show where progress needs to be made on behalf of those who have suffered from discrimination.

Employment is one of the major areas where much remains to be done. The State government has a major responsibility to set its own house in order. Security must be provided to homemakers whose financial status is dependent on the whims of their marriage partners. Education and training is the key to employment, and equal opportunity in these is vital to provide minorities and women with the skills to compete equally in the job market. A society which would treat its citizens

without bias must treat them with dignity and respect. The criminal justice system must reflect that attitude. The list goes on.

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South Dakota

Americans Indians living in South Dakota are by far the largest minority group in the State. The 1970 census showed an American Indian population of 32,365 (15,876 males and 16,489 females) or 4.9 percent of the total State population of 665,507. Blacks number 1,627 (0.2 percent of the population), while whites number 630,333 (94.7 percent). Other races total 1,182 or 0.2 percent.

The majority of the American Indian population are Sioux. Most Indians live on eight reservations located in the State: Pine Ridge, Rosebud, Yankton, Lower Brule, Crow Creek, Sisseton, Standing Rock, and Cheyenne River. Much of the State's black population is transient, located at the Ellsworth Air Force Base near Rapid City. A few persons of Hispanic heritage reside in South Dakota, but most are transients who cross the State with the stream of migrant farmworkers.

Civil Rights Developments

In 1962 the South Dakota Advisory Committee investigated alleged discrimination in housing in the Rapid City area which resulted in a published document, *Report on Rapid City*. A similar investigation and public hearing in 1967 dealt with housing discrimination against black personnel at Ellsworth Air Force Base. In 1969 the Committee's report entitled *Poor Relief in South Dakota* examined the effect of discriminatory residence requirements upon minorities.

Many of South Dakota's civil rights issues and problems center on those involving American Indians. In 1971 the Advisory Committee conducted 3 days of hearings in Rapid City to look at the civil rights concerns of Indian people. Documented in the report, *Indian Civil Rights Issues in Montana, North Dakota, and South Dakota*, was evidence of substandard housing, high unemployment rates, widespread misuse of Federal funds intended for Indian school children, and discriminatory practices in the justice system. Recently, the Committee culminated an investigation of problems faced by Americans Indians in the State's criminal justice system with 2 days of hearings in Rapid City.

In 1974 the U.S. Commission on Civil Rights investigated the tribal election at the Pine Ridge Reservation and uncovered widespread irregularities. The study highlighted problems in the tribal government system and its relationship to policies of the Bureau of Indian Affairs. The Commission's staff report, *Report of Investigation: Oglala Sioux Tribe, General Election, 1974*, resulted in changes of election practices at Pine Ridge and affected procedures used on other reservations in South Dakota.

Indian-State government relations have been the focus of many significant developments involving the civil rights of American Indians. A South Dakota Indian Affairs Commission was established to provide a framework for communication between Indians and non-Indians. In April 1977, however, tribal leaders said they no longer wanted to participate on the commission, citing deterioration in tribal-State relations.

In other developments, South Dakota Governor Richard Kneip urged the State legislature to recognize Indian tribes' rights to Missouri River water and to develop a policy which would protect these rights in the face of a proposed irrigation project in the State.

The Oglala Sioux tribal council approved a contract with the Bureau of Indian Affairs which puts BIA police under the immediate supervision of the Tribal Law and Order Commission.

The most significant development involving American Indians in the State was the U.S. Supreme Court decision in April 1977 upholding decisions of the lower courts that the Rosebud Sioux have no legal claims to lands in three South Dakota counties taken away by acts of Congress around the turn of the century. The decision means that the tribe does not have jurisdiction over the Indian and non-Indian residents of the three counties involved. Such a decision may have a far-reaching effect on similar jurisdictional disputes across the United States.

In February 1972 the State legislature passed the South Dakota Human Relations Act which prohibits discrimination because of race, color, creed, religion, sex, national origin, or ancestry. It also charges the newly established South Dakota Commission on Human Rights with the basic responsibility to enforce the act. This legislation was a milestone in civil rights developments within the State and has accomplished more than any other action to assure progress toward equal opportunity for all South Dakotans.

Equal Rights Amendment

Three years ago South Dakota ratified the Equal Rights Amendment to the U.S. Constitution, and a resolution to withdraw this ratification caused much debate throughout the State but failed to get on the house calendar for discussion.

Unfinished Business

At a meeting in Aberdeen during the fall of 1975, the Advisory Committee identified the following priority issues which it felt were unfinished business in the area of civil rights:

- Employment of American Indians in State government and in the provision of public services to the reservations.
- Economic development on reservations and the funding of American Indian businesses.
- The administration of justice on and off the reservation, including juvenile concerns, prisons, and juries.
- Voting problems of minorities.
- Health care delivery for American Indians.
- Special education programs and the use of education funds allocated to the reservation.
- Housing problems on and off the reservation and the colonial status of the reservations.
- The administration of welfare to American Indians and the adoption of American Indian children.
- The media and its portrayal of minorities.

A task force on Indian-State government relations also identified several areas of major concern for Indian civil rights. These were:

- Law enforcement shared by the State and Indian tribes involving cross-deputatization giving both State and tribal governments jurisdiction over either Indians or non-Indians.
- Extradition of fugitives from the reservation to the State.
- Reciprocal recognition of tribal-State court decisions.
- Water rights and the question of tribes having exclusive authority to regulate water within the reservation boundaries.
- Indian voting rights and the question of Indian people deprived of their voting potential by the way legislative districts are established.

At this writing, a statewide "backlash" organization, South Dakotans for Civil Liberties, with its major objective the establishment of State jurisdiction over Indian reservations, threatens to undermine gains in the areas of Indian sovereignty and tribal development.

With the exception of minor gains in some areas, the status of women in South Dakota has not improved significantly despite passage of the 1972 Human Relations Act. Employment is an area of major concern. Salaries of full-time working women still approximate only half of those earned by men. Inadequate child care programs throughout the State add to the difficulties of working women.

Institutions of higher education are beginning to hire more women at entry salaries equivalent to those of men, but women continue to be drastically underrepresented at the higher faculty levels.

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Tennessee

According to the U.S. Census, Tennessee had a total 1970 population of 3,924,164 of whom 640,255 or 16.3 percent were minorities. Blacks accounted for 631,696 or 16.1 percent of the total, almost 99 percent of the minority population.

Census figures showed a high concentration of blacks in three urban areas—Memphis (Shelby County) 265,892, Nashville (Davidson County) 87,856, and Knoxville (Knox County) 23,184. Six counties in west Tennessee (Shelby, Tipton, Lauderdale, Fayette, Haywood, and Hardeman) were home to approximately 46.9 percent or 305,125 of the total black State population.

Civil Rights Developments

Education

Tennessee was one of the nine Southern States to declare open defiance of the 1954 Supreme Court decision on school desegregation, labeling it an encroachment upon the reserved powers of the States and vowing to resist it with every means.

In January 1956 Clinton High School in Anderson County (3.1 percent black population) was ordered by a Federal district court to begin desegregation not later than the fall of 1956. Fifteen blacks enrolled and 12 of them appeared on opening day. Disorders at the school and personal attacks upon the black students followed, but by September 15 the high school was operating on a normal basis. On February 14, 1957, a suitcase full of dynamite exploded in the heart of the black section of Clinton, injuring two persons. However, the first year of desegregation in Clinton High School ended quietly on May 17 with the graduation of the school's first black. The following October, a blast of dynamite destroyed a substantial part of Clinton High School and the school had to resort to temporary quarters in Oak Ridge, 12 miles away.

Nashville initiated a gradual desegregation program in September 1957 which began with the first grade and was expected to desegregate one additional grade each year. When 19 black first graders enrolled, violence erupted, including a dynamite blast that ripped off the roof of the desegregated school.

In 1968 the Memphis school system, with 125,000 students, 53 percent black, was by far the largest system in the State. Desegregation efforts had begun in 1963, but high schools in the city system were not desegregated until the 1966–67 school year.

In litigation before the U.S. District Court for the Western District of Tennessee, the Memphis City School System asserted that 47.3 percent of its pupils were attending desegregated schools in 1969. These figures were deceptive, however, as noted by the court, since the system counted all pupils in biracial schools as integrated. The city held, for example, that in one school with 1,569 blacks and 1 white, 1,570 pupils were integrated.

The outward movement of whites to the suburbs and the concentration of blacks in the inner city compounded the problems with desegregation. One inner-city elementary school, for example, changed from 371 whites and 5 blacks in 1963–64 to 878 blacks and no whites in 1969–70. Another elementary school changed from 592 whites and 265 blacks in 1965–66 to 1,360 blacks and 6 whites in 1969–70. The trend was evident everywhere—as the percentage of blacks increased in an area, whites moved away.

While noting this increasing pattern of *de facto* segregation, U.S. District Court Judge Robert M. McRae declined under existing precedents to order the pairing of schools or busing of students in order to achieve desegregation. The court did, however, order elimination of transfers where students transferred from school zones in which they were a racial minority to those in which they were a racial majority.

Today, in 1977, the Memphis school system is approximately 75 percent black. The white private schools are flourishing and the city schools lost an additional 2,000 white students at the beginning of

the 1976–77 school year. The city school system is presently back in the courts where a number of plans are being reviewed. One plan of note, presented by a school board member, called for "specialized grouping." In essence, students would be tested when they entered school and placed in a group according to test results. Students would remain with that group throughout their educational experience. This tracking plan was rejected by the court.

Nashville's initial reaction toward the 1954 desegregation decision was negative. The decision, therefore, had little impact and desegregation efforts in the next decade (1957–67) were slow and minimal. In 1970 Avon Williams, attorney for the plaintiffs, filed a suit to prohibit the Metropolitan County Board of Education of Nashville and Davidson County from maintaining racially segregated schools and from employing school personnel on the basis of race. On July 16, 1970, Federal District Judge William Miller held that the local school board had not met its affirmative duty to abolish the dual school system in three categories: pupil integration, faculty integration, and site selection for school construction.

United States District Judge L. Clure Morton initially requested the Department of Health, Education, and Welfare to prepare a school desegregation plan for the Metro Nashville-Davidson School District. The judge ruled that the HEW plan was acceptable and ordered the rezoning of only about two-thirds of the county's 141 schools. Many white suburban schools in the outer reaches of the county were not affected. Judge Morton ruled that "each and every school is not required to be integrated. The test is a unitary school system. The practicability and feasibility of a plan is a material consideration."

A negative aspect of the plan was the disproportionate number of younger black children who would be bused. Because of the way Nashville schools were paired, black children are bused out of the inner city for the first 4 years of elementary school and white children are bused into the city for grades five and six.

Additionally, the school system encountered a major problem because it lacked sufficient buses to implement the new rezoning plan, and the city council refused to appropriate money for additional buses or the maintenance of old buses. The school system had to stagger school opening times over 3 hours—7 a.m. until 10 a.m.—so that each bus could make several runs. This created scheduling problems for parents, especially for working parents who had children attending different schools.

Voting and Poverty

In 1956 some 90,000 (28 percent) blacks in Tennessee were registered to vote. In all counties of the State except three, blacks were permitted to register to vote and had met with little discrimination. In the three counties, all in western Tennessee—Haywood, Fayette, and Hardeman—actual physical intimidation had prevented anything but token registration. Haywood and Fayette Counties had been the most intractable.

Haywood County was 61 percent black, but of its 7,921 voting-age blacks, none was registered until May 1960. In Fayette County with 70 percent blacks, only 58 of 8,900 voting-age blacks were registered in 1959; voting records showed that of these 58 registrants, one had voted in 1958, 12 in 1953 and 3 in 1952.

Blacks had not been permitted to vote in Haywood County for approximately 50 years, were forced to observe a strict curfew, were not permitted to dance or drink beer, and were not allowed in the vicinity of the courthouse unless on business. When a black registered to vote in Fayette County, the sherriff was immediately informed. He, in turn, informed the black's landlord and employer. The registrant was promptly fired from his job and removed from his home by credit foreclosure. This was particularly easy to accomplish since the majority of the blacks were sharecroppers.

The use of economic pressure against blacks registering in both counties was similar. Arrest and severe fines on minor charges were followed by the withholding of wages, elimination of credit, and orders to leave the community.

Early in 1959 a black former school teacher, with a master's degree, filed a complaint with the Tennessee Advisory Committee to the U.S. Commission on Civil Rights charging that he had met with constant subterfuge and refusal in his attempts to register to vote in Haywood County. Thereafter the conflict between the white and black communities in both counties raged inces-

santly. Whites appeared to be determined to resist black registration to the last, despite State and national efforts. They reasoned that once they admitted the black majorities to the franchise, the characteristics of the two counties would change. The blacks had lost so much in economic reprisal that there was little left to lose. The institution of a suit against Haywood County by the U.S. Department of Justice in September 1960 and the decision of the Government to allow surplus agricultural stocks to be distributed to the "tent city" that the homeless blacks had been driven into led blacks to believe that they would prevail. However, they had to wait until 1964 before their dream was fully realized.

Blacks in Fayette, Hardeman, and Haywood won a major battle but paid a terrible price. Poverty—reflected by income, poor housing, and receipt of welfare—was heavily concentrated in black communities during the sixties. The demand for farm labor declined steadily at that time in western Tennessee. Memphis, the largest metropolitan area in the region, offered hope of jobs to many black laborers and tenant farmers displaced for attempting to exercise a constitutional right.

The blacks who chose to stay faced appalling economic deprivation as reflected in the 1970 census. In Fayette County 68 percent of the black families had incomes below the poverty level; in Hardeman County, 54.2 percent; Haywood County, 65.2 percent; Lauderdale County, 67.5 percent; Tipton County, 61.1 percent.

Shelby County and Memphis proved to be less than a mecca for displaced blacks. Their poverty followed them to the city. Approximately three out of every five black families in Shelby had incomes below $3,000 compared with one of every seven white families. Thus, blacks accounted for two-thirds of the poor families, double their share of the total number of families in the county. With a high incidence of poverty nationally for families headed by women, it is important to note that 20.6 percent of black families in Memphis were headed by women in 1960, with this figure rising in 1970 to 28.5 percent.

Administration of Justice

Despite the extreme poverty of many black communities, Tennessee basked in general racial tranquility during the early 1960s. Even when there were open demonstrations with picketing, sit-ins, and marches during 1960 and 1961 and later in 1964, the issues surrounding these confrontations were usually settled without widescale conflict. The targets of the civil rights movement were theaters, restaurants, libraries, and educational facilities. Surface changes achieved in the visible use of public institutions, however, evidently obscured the perpetuation of underlying economic and educational inequities. This was never more dramatically evidenced than in Memphis, Tennessee.

The relatively calm relationship of blacks and whites in Memphis was shattered in 1968 by a costly strike against the city by a predominantly black union representing 1,300 employees of the city's public works department. The major issues of the strike were recognition and a dues checkoff. These issues were enlarged by the black community to include black identity and racial pride when the city and its mayor, who was unpopular in the black community, refused to grant the union recognition. Before the strike was settled, Memphis experienced riots, disorders, and the assassination of Dr. Martin Luther King, Jr. In the aftermath of the strike, hostilities between the black community and the white administration were solidified.

Collaterally and consistently the black community had lodged complaints and allegations of police abuse, brutality, harassment, and unjustifible homicide against the Memphis Police Department. The situation intensified when, on October 19, 1971, a black youth was allegedly beaten to death by eight white policemen. On December 7, 1973, an all-white jury found the eight men innocent, setting off a week of protests and racial disturbances.

During the period 1970–77, there have been six major efforts to deal with police-minority relations in Memphis.

1. In 1970 the Memphis branch of the NAACP presented an 18-point program to the city administration. It was ignored.
2. In 1974 the New York City Police Department conducted a study of the Memphis Police Department. It was ignored.
3. In 1972 the Memphis City Council commissioned a study on police-community relations. It was ignored.

4. In 1974 the Community Relations Service, Department of Justice (Atlanta Regional Office), acted as mediator between the Memphis Police Department and a negotiating team comprised of various civic groups. Their recommendations were ignored.
5. On October 8–9, 1976, the Tennessee Advisory Committee conducted a 2-day informal hearing on police-community relations. The city administration refused to cooperate and did not allow any city employees to appear at the hearing.
6. On May 9, 1977, the U.S. Commission on Civil Rights held a hearing in Memphis on police-community relations, and the city responded to the subpenas with testimony from the mayor and various police officials. However, no positive corrective action has been undertaken by the administration to date.

Government

The Tennessee Commission on Human Development recommended in 1977 that the Tennessee Legislature enact appropriate legislation to provide for commission enforcement in the areas of employment and public accommodations discrimination based on race, creed, color, religion, sex, or national origin. Under current legislation the human development commission has no enforcement authority and the legislature has refused to grant such authority.

Unfinished Business

Today there are 24 schools in the Nashville-Davidson system in which black enrollment ranges from over 50 percent to almost 95 percent. Thus, resegregation appears to be occurring. The city council still refuses to appropriate money for additional buses. Portable classrooms abound in the suburbs at those schools unaffected by the desegregation plan, and black schools in the inner city are being phased out, a situation regarded with concern by black parents.

Additionally, the Nashville NAACP has prepared a report for submission to the Tennessee Advisory Committee requesting a study of police-community relations. Now in the mid-seventies, the blacks in the six counties of western Tennessee are struggling with the unfinished business of converting voting power into economic power.

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Texas

According to the 1970 census, there were 11,196,780 Texans; approximately 3.5 million were minority (1.5 million blacks and more than 2 million Mexican Americans). While each of the State's 254 counties has a substantial minority population, most Mexican Americans are found in the southern and border counties. The largest numbers of blacks live either in East Texas or in the Dallas-Forth Worth and Houston areas.

While blacks and Mexican Americans comprise slightly less than one-third of the population of Texas, they represent almost two-thirds of those below the poverty level. Only 10.4 percent of Anglo Texans are at or below the poverty level, while over 35 percent of each of the two minority groups fall in that range.

A staggering 19.2 percent of Mexican Americans and 11.5 percent of black Texans over the age of 25 are functionally illiterate (less than 4 years of formal education) compared with 2.9 percent of the Anglo Texans at that level.

The minority unemployment rate is approximately twice that of Anglo Texans. Similarly 16.1 percent of the black and 15.2 percent of the Mexican American households lack adequate plumbing as compared with 1.7 percent of the Anglo homes. Far more blacks and Mexican Americans live in housing units that are considered crowded or overcrowded.

The current problems of the State in dealing with its minority population stem in large part from these groups' historic exclusion from literally all fruits of government. Severe discrimination in education, voting rights, the administration of justice, housing, and public accommodations frequently has been documented in Texas.

More subtle forms of discrimination against women continue to find root in conservative Texas. While advances have been made (Texas was one of the first States to pass the Equal Rights Amendment and has a provision in the State constitution which is roughly the equivalent of the ERA), few women can be said to be at the center of the decisionmaking process in either private or public contexts.

Civil Rights Developments

Voting Rights

Since the early 1960s, there has been a virtual revolution in the participation in the electoral process by Mexican American and black Texans. Their introduction into the previously Anglo-controlled domain of Texas politics has been facilitated by a host of Federal court decisions which have destroyed electoral barriers erected against minority groups. For example, the Federal courts have stricken the poll tax—the most restrictive annual voter registration procedure in the United States; excessive filing fees—up to $6,300 just to get a name on the primary election ballot; the use of multimember State legislative districts; the apportionment of the U.S. congressional seats; the entire apportionment of the Texas Legislature (twice); gerrymandered commissioner districts in dozens of Texas counties; the use of the at-large system for city council elections in Dallas and Waco; and the use of an at-large election system for the Waco School Board.

Under Section 5 of the Voting Rights Act of 1965, as amended in 1970 and 1975, certain States (primarily those located in the Deep South) have been required to receive Federal approval of proposed changes in the electoral process *prior* to the implementation of these modifications. This procedure, usually referred to as "Section 5 preclearance" has been described as the "frontispiece" of the civil rights movement. Federal preclearance was first made applicable to Texas in the 1975 amendments to the act. During the first 12 months that it was covered by the preclearance requirement, Texas submitted 4,668 changes—more than three times as many as the 11-year total of any of the States which had been covered since 1964.

In addition, during its first 12 months of coverage under the Voting Rights Act, Texas

received 30 objections from the U.S. Department of Justice, far more than any other State in a single year (previous high was Louisiana with 19 in 1971). Only three States—Georgia, Louisiana, and Mississippi—have had more objections in 11 years than Texas received in 1 year.

The total impact of Section 5 in Texas has been limited by a growing refusal on the part of local political subdivisions to honor the Federal objections and by what appears to be an inconsistent enforcement policy.

Beyond the benefits derived from preclearance, the Voting Rights Act has also resulted in bilingual elections in those areas of the State with substantial numbers of Mexican Americans. Recent unpublished data have documented favorable results. A Mexican American Equal Rights Project study found that between 73 and 90 percent of the respondents felt that voting was easier because of bilingual election procedures. A cognate study by the Mexican American Legal Defense and Educational Fund (MALDEF) examining the bilingual election process itself concluded that "the data disclose remarkably few logistical problems to local election officials."

The list of court decisions and the Voting Rights Acts provide a foundation for impressive advances in minority political activity. In 1964, for example, there were no blacks, 2 women, and 9 Mexican Americans among the 181 members of the Texas Legislature. After several court-ordered apportionments, there are now 13 blacks, 11 women, and 18 Mexican Americans.

On the county level, minority success in commissioner elections has increased, but many counties remain badly apportioned. This continues to restrict the success of Mexican American and black candidates. On the local (city and school board) level, minority success has been similarly limited by at-large election procedures.

Housing and Public Accommodations

Studies have shown that all of the major cities in Texas have become substantially more segregated since the end of World War II. While there has been a slight increase in the incidence of Mexican American and Anglo integration, recent examination of census data shows that upwards of 70 percent or more of the Mexican American population in selected Texas cities resides in ethnically identifiable "barrios" (neighborhoods).

The Mexican American Equal Rights Project and the Civil Rights Litigation Center have demonstrated that restrictive real estate covenants along racial and ethnic lines continue to have substantial effect on the housing patterns in San Antonio, Corpus Christi, and New Braunfels. While these offensive techniques were held unenforceable and unconstitutional in the early 1950s, other more subtle tactics have emerged such as covenants relating to lot size, home cost, and square footage. Complaints that real estate agents steer black and Mexican Americans to "their side of town" are frequently heard.

Several Texas cities have adopted open housing ordinances. The 1968 Austin ordinance became a serious political issue and led to the defeat of the council members who voted for it. Houston passed its open housing ordinance in 1975 by a narrow margin amid much debate. Since its passage, approximately 750 complaints of race, sex, or national origin discrimination have been filed in Houston. Of these, about one-half were dismissed and the complainants directed to other services. Of the remaining half, about 40 percent ended in formal or informal conciliation.

The Dallas fair housing ordinance dates from November 1971. Approximately 900 complaints have been filed since its inception. Of these, 60 percent were dismissed and 30 percent ended in conciliation. Dallas, unlike Houston, has been involved in actual litigation to enforce the ordinance, with four or five suits going to trial on a yearly average.

The San Antonio ordinance was passed in 1968, but its effectiveness is in doubt. For example, in a 1975 study it was found that one out of five apartment complexes in San Antonio restricted black occupancy. A related study of discrimination against San Antonio Mexican Americans disclosed discrimination to be of "lesser intensity" and based upon pigmentation. Similar patterns of discrimination are found in Houston.

While the State of Texas has neither a statutory human relations commission nor a provision for extensive enforcement of colorblind public accommodations, the U.S. Department of Justice has been involved in litigation under the provisions of the Civil Rights Act. There are currently six such active suits in the State, including two in Houston, two in Tyler, and one in Waco. All involve dis-

crimination against blacks. There was a time when such discrimination in Texas against Mexican Americans was common practice; however, it appears to have abated somewhat in recent years.

Many private clubs throughout the State remain segregated. Some public events such as "fiesta week" in San Antonio involve functions sponsored by these clubs which tend to perpetuate the distance between the races.

Administration of Justice

Mexican Americans and blacks represent over 62 percent of the Texas prison population. There are few Mexican American or black State and Federal judges. Of 253 district judges, 1 is black, 16 are Mexican Americans, and 3 are women. Of the 31 special domestic relations judges, there are 2 Mexican Americans and 2 women, and no blacks. Among the 42 judges on the State's intermediate civil appellate courts, there are no blacks and only 1 Mexican American and 1 woman. There are no Mexican Americans, blacks, or women among the justices on the Texas State Supreme Court (Civil Appellate Court of Last Resort) or the Texas Court of Criminal Appeals (Criminal Appellate Court of Last Resort). Yet even this minimal representation is an improvement over 1964 when there were only two or three Mexican American district judges. The first black district judge was not appointed until 1975.

There are no blacks among the State's 25 active Federal judges. However, Judge Reynaldo Garza, an early Kennedy appointee, is currently chief judge of the southern district of Texas. Judge Sarah Hughes of Dallas, a white female who was also a Kennedy appointee, retired recently but continues to carry a docket of cases.

The Texas Department of Corrections (TDC) operates the State's huge system of 15 prisons. There are no Mexican American or black wardens; however, there is one female warden (at one of the two prisons exclusively for women). There are 20 assistant wardens of whom one is a black and one is a woman (assistant warden in the other women's prison). There are no Mexican American assistant wardens. Again, this modest number of minority administrators is nevertheless an increase over 1964 when there were none.

Pardons and paroles in Texas are handled by a parole board (three members who consider both pardon and parole applications) and a parole commission (six members who consider only parole applications). The parole board includes one black female and two Anglo males. The parole commission has one black male, one Mexican American male, one Anglo female, and two Anglo males among its current members. The black female appointed in May 1975 is the first minority member of the pardon and parole board.

The conditions in Texas prisons and jails have been the subject of numerous Federal court actions on complaints ranging from inmate segregation to serious overcrowding. It is generally felt that most local detention units in the State fail to meet State statutory requirements or currently accepted standards.

In Texas all felony indictments must be brought by grand juries. The State operates on a so-called "key man" system where the presiding district judge appoints three to five grand jury commissioners who in turn name 12 grand jurors and up to 8 alternates. Recent studies in Hidalgo (Rio Grande border), Bexar (San Antonio, south central Texas), and Williamson (central Texas) Counties have shown that this key man system has consistently resulted in grand juries which lack Mexican American and female (especially Mexican American women) members.

The question of black membership was not involved directly in these studies; however, similar underrepresentation is likely. Indeed, the U.S. Supreme Court held just this year that the Hidalgo County Grand Juries contained too few Mexican Americans. Federal grand juries are picked at random from the registered voters lists. While minority group members tend to be underregistered, this system has been shown in Bexar County studies to produce a far more representative sample of the population than the key man system.

Police brutality continues to be a statewide problem. In a recent case, a young Castroville (south of San Antonio) man was taken out and shotgunned to death by the local police chief whose wife and sister-in-law buried the body in a shallow grave in East Texas. In a State prosecution, the police chief received a 10-year sentence for aggravated assault and his wife and sister-in-law paid only court costs.

Initially, the Department of Justice refused to become involved in the case on the grounds that

an old, inconsistently applied policy dictated against successive State and Federal prosecutions. After a great deal of public outrage, the U.S. Department of Justice reversed itself and filed a Federal civil rights action against these three people. Another current case involves the death of a Mexican American allegedly at the hands of Houston police officers, three of whom have been indicted by a county grand jury.

Education

In a 1961 report of the U.S. Commission on Civil Rights, integration in Texas was described as "blocked by the enactment in 1957 of certain statutes by the Texas Legislature which were apparently designed to retard integration." Since that earlier Commission document, the State laws have been voided (some in court actions and others by the legislature).

Nevertheless, integration has proceeded so slowly that one would be hard pressed to find a single school district (Texas has approximately 1,100 school districts) that does not continue to maintain substantially "one-race" schools. It was not until the early 1970s that Mexican Americans were even established as a recognizable minority group by the Federal courts.

Bilingual education, while at first only court ordered, is now mandated by statute. Yet, as with everything else in Texas education, the success of the program has been limited by inadequate funding from the State and resistance locally. A recent study has indicated that bilingual education in Texas receives only one-sixth of the necessary funds.

The number of minority teachers has increased during the last few years, however, many heavily minority school districts, especially in the rural areas, are without minority counselors and few if any Mexican American or black teachers.

The financing of Texas education remains an utter disaster area in spite of the great wealth of the State and the warnings of the Supreme Court in *Rodriguez v. San Antonio Independent School District*.

Immigration

Probably the most difficult current civil rights questions involve immigration law and policy. Poverty and rampant inflation in Mexico have driven Mexican nationals into the United States. This trend is especially pronounced in the border area of Texas. It is difficult to gauge accurately the economic effect of this so-called "silent invasion." However, the growing concern about "the problem" has divided the people of Texas and many fear it will lead to a wave of racism.

The most difficult part of "the problem" lies in establishing its scope and effects. For example, not even the Immigration and Naturalization Service knows how many undocumented aliens live in the United States or what effect, if any, their presence has on wages, employment, social services, or education. There is no question that the presence of undocumented persons has some effect. However, recent studies indicate that undocumented persons generally take low-paying undesirable jobs and thus present little economic competition to citizens. Other data suggest that the undocumented alien seldom uses any social services for fear of detection and deportation. Nevertheless, the 1975 session of the Texas Legislature acted to prohibit free education for undocumented children identified by school districts.

Among Anglo Texans, the word "alien" is associated with "Mexican origin or descent." Consequently, laws such as the "Rodino bill" (a proposed Federal prohibition on the hiring of aliens by an employer) would single out Mexican Americans for special inquiry. Many argue that if employers are required to check citizenship, they would choose the easier and safer course and not hire anyone of Mexican descent.

Other civil rights problems arise out of INS procedures. These include the treatment of undocumented persons, searches and seizures, and alleged abuse of the discretion which has been placed in the hands of immigration officers.

The Texas Advisory Committee has undertaken a project to evaluate the existing data and will conduct an investivation to further define the problem.

Unfinished Business

The Texas Advisory Committee will continue its efforts to secure equal rights for all Texans. In voting and access to the political process, this includes the elimination of malapportioned election districts, the introduction of single-member election systems for cities and school boards, and

more effective enforcement of the Voting Rights Act.

In housing and public accommodations, this includes the creation of a State civil rights commission, the passage and firm enforcement of open housing ordinances in more Texas cities, and the encouragement of physical integration through innovative Federal, State, and local programs.

In education, equal rights include not only integration and the advancement of bilingual-bicultural education, but also increased educational expenditures to broaden and enrich *all* Texas school children.

In immigration, there will be a renewed effort to understand the dynamics of our relations with Mexico and the implications of Mexican immigration.

In employment, women of all races and minority men must be ensured an equal opportunity.

Full equality for women and minority groups remains a visible but distant goal in substantially all of the traditional civil rights areas.

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Utah

According to the U.S. Census Bureau, Utah has a total population of 1,059,273 persons, largely concentrated in the Standard Metropolitan Statistical Area of Salt Lake City, Ogden, and Provo. The minority population consists of 6,617 blacks or 0.6 percent, 40,800 Hispanics or 3.9 percent, 11,273 American Indians or 1.1 percent, and 5,994 Asian Americans or 0.6 percent. Minorities constitute 6.4 percent of the State's total population. In 1976 several of the ethnic groups, through their associations, made an informal survey and found that the census figures underrepresented them. The blacks in Utah estimate that a truer figure may be 10,000 or more for the State. The Korean American Association estimates that there are 3,000 or more Koreans in Utah. Including the Chinese Americans, Japanese Americans, and the Pilipino Americans, as well as the refugees and displaced persons from Southeast Asia, the population of Asian Americans in Utah is estimated to be more than 12,000.

Failure to ratify the ERA, employment discrimination, housing discrimination, including redlining, denial of freedom of choice to women, and lack of quality education for minorities are issues of vital concern in Utah, in the opinion of minority group representatives.

Peculiar to the State is the influence of the Church of Jesus Christ of Latter Day Saints, commonly referred to as the Mormon Church, to which the majority of whites adhere. While there are a number of Asian Americans, Hispanics, and American Indians who are converted to the Mormon Church, few blacks are members. The question of the separation between church and State, as in other States where the majority of the population adheres to a particular religion, is one which continues to be discussed in Utah, especially because the LDS church has been an influential rallying center for civil rights and political issues.

Civil Rights Developments

In a 1974 study on credit availability in Utah, the Utah Advisory Committee found that women had been systematically discriminated against in their loan applications for housing or personal credit because of their marital status or because they might plan to have children.

Efforts to address the concerns of women by the State legislature have resulted in the following developments:

- A joint resolution authorizing the continuation of a study of statutory sex discrimination.
- A bill providing occupational disease benefits to divorced or widowed men and women who have not remarried.
- A bill deleting sexually discriminatory language relating to curriculum in detention schools.

These and other efforts have been viewed as steps forward for women in Utah. To further the civil rights cause, the Utah Advisory Committee itself is presently concluding a study on the status of minorities and women employed by criminal justice agencies in the State.

While women in general appear to have made some substantial gains in civil rights, some minorities complain of slow progress. Hispanics continue to complain of harassment by police officials in their communities and of the dearth of Hispanic police officers. Blacks voiced their concern in a 1976 report entitled "Needs Assessment of Blacks in Salt Lake City," prepared by the Salt Lake Community Mental Health Center. In this report, an overwhelming majority of blacks surveyed indicated that they felt they had not been treated fairly by the police and the courts. The report also states that few blacks hold political positions in Utah.

Unfinished Business

Among the civil rights developments mentioned above, many problems remain unsolved. The Utah Advisory Committee has sought to acquaint

women and minorities with their rights and to inform them of legal recourses available to them. Much has been accomplished in Utah, but much also remains to be done to further the goals of civil rights.

Utah Advisory Committee Members

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Minority Report on Civil Rights in the State of Utah

No report on the status of civil rights in Utah would be complete without a report on what has been done and what is being done to further civil rights in the State. For this reason, we are filing a minority report to the U.S. Commission on Civil Rights.

Historically, Utah has performed well in the area of civil rights. In 1870 women were granted the right to vote in the territory of Utah. This was 50 years prior to the ratification of the 19th amendment in 1920, which guaranteed this right to all women in the United States.

In more recent times, citizens of Utah have led the Nation in other areas important to the civil rights movement. One of these areas is the education of Native Americans. A recent publication by Brigham Young University entitled, "For the Independence of the People," describes some of these successes. Following are two quotes from this publication, which describes the Brigham Young University's Indian Education Program and the 500 Native American students involved.

> Twenty percent of the Indian Students who enter BYU as freshmen persist to graduation. By contrast, the national graduation average of Indians is less than four percent. The growth rate of the Indian senior student indicates that within a year or so the BYU figure will be 45 percent or more. This approaches the national all-students figure of 53 percent.
>
> The University devotes more of its operating budget per student to Indian education than to any other Undergraduate Program; nearly all of the students have a scholarship or grant-in-aid, for which they render service to the program, whether or not they also receive tribal or government support. Indeed, BYU budgets more of its own money for Indian scholarships than all other United States universities and colleges, public and private, combined. Brigham Young University in Provo, Utah, is setting the example in the area of education for Native Americans, which other American Universities would do well to follow.

As indicated in the majority report above, most of the inhabitants of Utah are members of the Church of Jesus Christ of Latter Day Saints (Mormon). The LDS church leaders have encouraged all church members to do their part to see that the rights of all members of society are protected. Following is a quote from an official statement by the first Presidency of the Church of Jesus Christ of Latter Day Saints dated December 15, 1969:

> ...It follows, therefore, that we believe the Negro, as well as those of other races, should have his full Constitutional privileges as a member of society, and we hope that members of the church everywhere will do their part as citizens to see that these rights are held inviolate. Each citizen must have equal opportunities for protection under the law with reference to civil rights.

The obligation of every LDS member is to see that constitutional privileges for all people are held inviolate.

Time and space will not allow an exhaustive review of civil rights accomplishments in Utah, but a brief list of other factors should prove interesting.

> The Utah Mother of the Year for 1977 is Mrs. Ruby Price. Mrs. Price is a black women from Layton, Utah, and mother of six children. Mrs. Price was a delegate to the 1976 GOP National Convention in Kansas City and has a long list of other accomplishments.
>
> The world headquarters of the Relief Society (women's organization) of the Church of Jesus Christ of Latter Day Saints is situated in Utah. This organization was founded March 19, 1842, and is said to be the oldest national women's organization to continually persist.
>
> The Utah State Legislature has not ratified the ERA but has continued to study statutory sex discrimination and has changed many of the

laws after reviewing them on an individual basis. Most members of the State legislature feel that this is a more responsible approach to the problem of equal rights for women, than to pass the ERA and remove all laws concerning sex without any examination.

Much has been done and continues to be done in Utah to assure civil rights to all residents. This report recognizes that more can be done, but is intended to recognize the accomplishments of a few of those who have worked so hard for civil rights in Utah.

Utah Advisory Committee Members:

W. David Hemingway
Ted Wilson

Vermont

According to the 1970 census, Vermont had a total population of 444,330; more than half the population was female. Franco Americans made up the largest ethnic group, with 42,223 (9.5 percent) listing French as their first language. In addition, there are a large number of English-speaking residents of Franco American heritage.

Other racial and ethnic minority groups are relatively small. According to the 1970 census, these included 761 blacks (0.2 percent) and 2,469 Hispanics (5.6 percent). Black and Hispanic groups are less disadvantaged than in other States, a factor which is said to contribute to their relatively low profile. On the average, blacks earn just slightly less than whites. While the median income for white families is $8,928, the median income for black families is $8,084 and for Hispanic families the median is $10,053. A total of 9.1 percent of white families earn less than the Federal poverty level while 8.6 percent of all black families earn at that level or lower.

More dramatic is the difference in median income between males and females. The 1970 census shows that the median income for males was $5,836 while the median income for females was $2,003—a difference of almost $4,000 dollars.

Although the 1970 census states that there are only 229 Indians living in Vermont, a report prepared for the Governor in 1976 estimated that there may be as many as 1,700 Abenaki descendants alone, residing primarily in the northern counties of the State. Although there are two Abenaki reservations in Canada, there is no reservation in Vermont.

Civil Rights Developments

State government has established a number of agencies or commissions to serve as advocates for minority groups. These commissions include the Vermont Human Rights Commission, which was established in 1967; the Governor's Commission on the Status of Women, 1974; the Governor's Commission on Indian Affairs, 1977; the Governor's Committee on the Employment of the Handicapped, 1963; the Governor's Advisory Board to the Office of the Aging, 1972; and the Governor's Committee on Children and Youth, 1967.

The jurisdiction and effectiveness of these commissions vary. The Vermont Human Rights Commission illustrates some of the problems related to civil rights in the State. When established in 1967, the commission's jurisdiction was limited to discrimination on the basis of race, color, creed, and national origin in public accommodations and housing only. In fiscal year 1976 its budget was limited to one dollar in operating funds and the salary of its executive director was paid by CETA funds. At the same time the Commission's office was moved from the State office building in Montpelier (the State capital) to the State mental health facility in Waterbury as part of an economy campaign. Its executive director was later terminated. In 1974 a division for civil rights was established in the State attorney general's office to investigate and prosecute complaints of discrimination. Its jurisdiction includes employment, housing, and credit discrimination. The division has played a key role in prosecuting discrimination complaints.

The Vermont Advisory Committee strongly urged the State to establish a strong, independent human rights commission. Nevertheless, Vermont today is the only New England State without a separate State human rights agency.

The Governor's Commission on the Status of Women was established by executive order in December 1974. Although the commission's role is advisory, it has conducted a variety of educational programs, actively lobbied for legislation affecting women, and advocated other changes in government regulations. For instance, it was successful in getting the Vermont Department of Social and Rehabilitative Services to waive a 30-day destitution requirement for receiving public assistance. This waiver is particularly important for battered women, who want to leave their husbands but

have no other source of income. In 1977 the Commission on the Status of Women established a committee on wife abuse to study the issue.

Several significant laws, particularly in the area of women's rights, have been enacted in the past 5 years. These include the following:

- Ratification of the Equal Rights Amendment in 1973.
- Passage of a series of fair employment practices laws following the model of Title VII of the 1964 Civil Rights Act. These laws are stronger than their Federal counterpart in that they are not limited to employers with more than 15 employees.
- A law prohibiting discrimination in credit on the basis of sex or marital status.
- A law prohibiting discrimination on the basis of sex in the insurance field.
- A law changing the evidentiary requirements in assault cases. The law covers both heterosexual and homosexual assaults.
- A law permitting a woman to be named as the legal guardian for a child. In the past, only men could be named guardians.

Franco American Issues

The problem of arriving at an accurate count of Franco Americans is one of the more complex civil rights issues in the State. Although Franco Americans as a group are gaining a greater sense of self-identity, in part as a result of the separatist movement in Canada, efforts to identify and count persons of Franco American heritage have failed. The reasons for this failure include problems of terminology in defining Franco Americans, inadequate data collection methods by official groups such as the Bureau of the Census, and a continuing lack of self-identity, particularly among the older Franco Americans. They are poorly organized and there are few Franco American spokespersons or leaders.

According to Armand Beliveau, an activist for the rights of Franco Americans, many French Canadians do not recognize the term "Franco American" and object to being labeled as such. Mr. Beliveau estimates that as much as 20 percent of the State's population is Franco American. Some areas, largely along the Canadian border, have a Franco American population as high as 80 percent while other areas have a percentage as low as 5 percent. Persons in the civil rights field agree that, as a group, Franco Americans are poorer than most other groups, live in less adequate housing, and are subject to discrimination in a variety of areas, although there is insufficient information to determine precisely their socioeconomic status.

The Vermont Human Rights Commission, prior to its termination, was unable to determine whether Franco Americans were underrepresented in State government, owing to the absence of reliable population and work force statistics.

The Vermont Advisory Committee's Franco American subcommittee developed a project to estimate the current Franco American population. Using an approved list of French surnames, the subcommittee counted such names in the telephone books of four selected counties; by comparing that information with 1970 census data on French as a first language, the subcommittee developed a formula by which the French-surnamed population may be estimated.

American Indians

Until 1976 there was no permanent State Indian affairs agency. However, in 1974 the Abenaki Indians formed the Abenaki Tribal Council of Vermont to assert tribal claims—based on thousands of years of residence in Vermont—to aboriginal land and to hunting and fishing rights. In July 1976 then Governor Thomas P. Salmon hired an anthropologist to look into the Abenaki claims. In November he issued an executive order recognizing the Abenaki Tribal Council as the governing body of the tribe and establishing the Governor's Commission on Indian Affairs. Two of the commission's five members were appointed by the Abenaki.

Following criticism by sports groups and other persons in the State, Governor Richard A. Snelling, who took office in January 1977, rescinded Governor Salmon's order and abolished the commission. He established a new five-member commission, all of whose members are to be appointed by the Governor with no requirement for Abenaki representation. To date the five commissioners have not been named.

Closing the Ethnic Gap

Because of the low profile and dispersion of minorities throughout the State the Vermont Ad-

visory Committee in 1973 reviewed human relations and examined the image of blacks and other racial and ethnic groups in the school system. The goal was twofold: to strengthen the sense of identity of those minorities in the school system, and to promote an awareness of the larger multiracial and ethnic society in white children who grow up in racial and ethnic isolation in Vermont. The Committee's 1973 report, *Closing the Ethnic Gap*, stimulated action by the State department and the State legislature. In 1976 the Advisory Committee held daylong conferences in Woodstock and Marshfield on racism and sexism in textbooks.

Unfinished Business

Women's groups continue to push for legislation and funding for many programs. Although the first women's shelter, primarily for abused women, in Brattleboro received Federal funds for a hot line and for counseling, much remains to be done in this area. The Vermont Advisory Committee has established a subcommittee to study the abuse of women.

These groups are also advocating an equalization of divorce laws including provisions to assure that property decisions are made on the basis of need and to provide children with attorneys in cases where custody is disputed. According to feminist leaders, employment discrimination is still the main concern for women in Vermont.

A number of problems including high unemployment rates, a low level of education, alcoholism, and other health problems are faced by the Abenaki Indians in Vermont. Recently, the Advisory Committee received allegations of discrimination on the part of police in the border town of Swanton. At the same time, there is mounting opposition to the Indians' demand for free hunting and fishing licenses, and questions remain about the validity of the Abenaki land claims. These issues must be resolved.

Although the civil rights unit in the attorney general's office is performing a useful function, Vermont needs a human rights commission with a broad mandate to carry out educational programs and enforcement activities on a wide range of civil rights issues. Adequate data must be collected on the population of French heritage. Only through the analysis of such data can it be determined whether Franco Americans today are a disadvantaged segment of the population. The 1980 census, as well as the forms used for recording births and deaths, should be adjusted so as to record adequate data on Franco Americans.

In those sections of the State where French-speaking residents are concentrated, there is a need to extend bilingual education programs. Title VII of the Federal Elementary and Secondary Education provides funds to school districts for such purposes.

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Virginia

The State of Virginia had a population of 4,648,494 persons in 1970. There were 3,765,466 whites, 859,919 blacks, 40,222 Hispanics, 6,904 Pilipinos, 4,829 American Indians, 3,457 Japanese, 2,303 Chinese, 1,805 Koreans, and 3,170 persons of other races.

Of the persons of Hispanic origin, there were 5,953 Mexican Americans, 4,098 Puerto Ricans, 3,991 Cubans, and 26,180 other persons from Spanish-speaking countries. The largest concentrations of Hispanics are in the Norfolk-Portsmouth and Richmond areas.

Minorities are unevenly distributed throughout the State's 96 counties. While Hispanics are found principally in a half dozen counties, blacks represent more than a quarter of the population in 25 counties, mostly in the eastern part of the State.

In 1975 Virginia ranked 43d in a study of the quality of life in each State which measured education, economic conditions, environment, health and welfare, living conditions, and political and social conditions.

Civil Rights Developments

Employment

The State's population, which until a few decades ago was principally agricultural, is now largely urban. Nearly 70 percent of Virginia's total population is found in eight Standard Metropolitan Statistical Areas.

The Federal Government is one of Virginia's most important employers. In 1973 Federal civilian employment in Virginia averaged 154,000 persons and military personnel about 146,000. This does not include approximately 45,000 to 50,000 Federal employees who live in Virginia but commute to work in the Washington, D.C., area.

In 1972 Virginia had a per capita income of $4,298. This represented an increase in per capita income and was due to a shift from agricultural to industrial jobs, a growth in Federal jobs, and unemployment rates lower than the national average. While the median income of all males was $5,716, it was only $2,411 for females. Wages for women have been consistantly lower than for men in all occupations.

Virginia's female work force is concentrated in clerical jobs, followed by service occupations (such as private household employees), and food and health service. Women constitute two-thirds of all banking employees but represent only 10 percent of the employees in nonclerical positions.

At least one half of all the traditionally male jobs held by women in the State are in Northern Virginia, where female workers receive better salaries than those paid in other parts of the State.

The Virginia Commission on the Status of Women found that women who work for the State of Virginia are likely to be underutilized, overqualified, and paid less than men. Although three-quarters of the women employed by five State agencies surveyed had completed schooling beyond high school, half held office and clerical positions. Over 60 percent of those in clerical jobs had attended college.

In its study of the judicial selection process in Virginia in 1974, the Virginia Advisory Committee learned that there are no women and few blacks as judges. There is only one black judge of a court of record. The Advisory Committee recommended that the Governor and the General Assembly give high priority to the nomination and appointment of black and women judges.

Women's Rights

In 1970 the State of Virginia adopted a new constitution that was amended in 1971 to prohibit discrimination on the basis of sex. Since that time sexist wording has been removed from various State statutes, but little more has been done to enforce the prohibition. On January 27, 1977, a proposal to ratify the Equal Rights Amendment failed for the fifth time in the Virginia General Assembly.

In the past year the Virginia Advisory Committee to the U.S. Commission on Civil Rights has

been engaged in a study of the status of the civil rights of women in Virginia. The Advisory Committee has examined all employment discrimination claims filed with the Equal Employment Opportunity Commission between 1972 through April 1976 by Virginia women. The number of claims based on sex discrimination has increased substantially in recent years, coming from all sections of the State and involving both small and large employers.

Voting Rights and Political Participation

The Virginia State Senate got its first black member since Reconstruction when Richmond's black voters gave their support to Lawrence Douglas Wilder in 1969. In the March 1977 election, blacks cast more than 40 percent of the vote in Richmond, where they make up half the population. Richmond now has its first black mayor, Henry L. Marsh III. In the same election, five blacks were elected to Richmond's nine-member city council, creating a black majority in the council for the first time.

In recent years blacks and women have increased their numbers among State, county, and municipal elected offices. As of April 1, 1974, Virginia had no blacks in the U.S. Congress, 2 in the Virginia General Assembly, 21 in elected county offices, and 40 in elected municipal offices. All those elected have been from counties in which at least 25 percent of the population is black. A significant problem in achieving fair representation for blacks at the local level has resulted from annexations in Richmond and Petersburg. The annexations resulted in litigation which reached the Supreme Court. After its decision, the number of blacks in city government increased and a majority of blacks won city council seats.

Women holding public office in 1974 included 1 woman as a State executive official, none as members of the State senate, 6 in the State house, 9 in county offices, 6 as mayors, 111 as members of city councils, none as State judges, and 222 as members of State boards and commissions. Women in county and local government serve in predominantly small districts.

Virginia has one of the lowest percentages of voter registration in the United States. In January 1972 approximately 54 percent of eligible black voters and 61 percent of eligible white voters were registered. Virginia is also one of the six States specifically covered in the 1965 Voting Rights Act, which requires that any voting qualifications, prerequisites to voting, or voting standards, practices, or procedures be submitted to the United States Attorney General or the United States District Court for the District of Columbia for determination that the change is not discriminatory in purpose or effect.

School Desegregation

Public school desegregation has been generally accepted as a fact of life in Virginia. Segregation in institutions of higher education, however, has yet to be dislodged. Of the 92,500 students enrolled in the State colleges in Virginia, about 15,700, or 17 percent, are black (compared to 18 percent of the total State population). The majority of black college students (10,590), however, are enrolled at the State's two predominantly black colleges, Norfolk State in Norfolk and Virginia State in Petersburg. Of the 10,500 undergraduates at the University of Virginia, about 500, or less than 5 percent, are black. Norfolk State has an enrollment of 6,500 blacks and about 200 whites, while Virginia State has 4,100 blacks and 175 whites in its student body. Recently the U.S. Department of Health, Education, and Welfare issued new guidelines to Virginia and several other States for desegregating their State-funded colleges.

According to the Virginia Commission for Children and Youth, many migrant children in Virginia do not attend school although there are migrant education programs. The 1974 school census conducted by the Virginia Department of Education found that almost 3 percent of children in Virginia between the ages of 6 and 17 years (33,296) did not attend school during the 1973–74 school year, not counting the unknown number of migrant children out of school. The 1970 census reported that 1,892 Virginians aged 16 through 18 had never completed a single year of school. In 1973–74, according to the Virginia State Department of Education, a total of 21,025 children (5.2 percent of total enrollment) were dropouts. Achievement, behavior, financial problems, and health problems were cited as reasons for dropping out.

Minority children represent a disproportionate share of dropouts. Unfair discipline, which seems

to have fallen harder upon blacks attending desegregated schools, has helped to push out many minority students.

Social Services

In 1974 almost twice as many black infants as white infants under 1 year of age died in Virginia. Contributing to this high rate is the lack of adequate prenatal care, lack of good nutrition, and poor housing conditions. Although many State-provided services are federally-funded and prohibit discrimination on the basis of race, sex, color, creed, national origin, or religion, Federal funds have generally been used for capital improvements rather than for increasing social services. If more use were made of Federal money to alleviate some of the problems caused by past discrimination, the health and educational opportunities of minority children might well improve.

Unfinished Business

Some localities have taken the initiative in trying to improve the quality of life and furthering the civil rights of blacks and other minorities and women. Several communities have created official human relations commissions—Richmond, Petersburg, and Alexandria. Numerous women's rights and civil rights groups are active in the State including the National Organization for Women, the Virginia Equal Rights Amendment Ratification Council, the American Civil Liberties Union, and the National Association for the Advancement of Colored People.

Part of the problem in eliminating racism and sexism in Virginia, however, is the difficulty of coordinating the efforts of civil rights groups statewide. Virginia does not have a State human relations commission to help give direction to the development and enforcement of civil rights legislation.

There are a number of planning districts throughout Virginia that have an interest in improving housing conditions, but there is no uniform approach or plan for providing adequate housing for low- and moderate-income families. The Central Virginia Planning District Commission recently reported that in its jurisdiction the number of vacant houses available between 1960 and 1970 decreased in relation to the number of families; the average cost of a house rose 30 percent between 1960 and 1970; inflation is adding 10 percent to the cost each year; mobile homes and apartments made up more than half of the housing growth between 1960 and 1970; only 20 percent of the families could afford to buy a $28,000 home in 1973; and one-fifth of all housing units are in poor condition.

Similar problems exist throughout the State. Decent housing for all can be achieved, with assistance from the U.S. Department of Housing and Urban Development, if all the interested groups work together. Organizations interested in improving the quality of life in Virginia have the same goals and aspirations as groups interested in civil rights. Unfortunately, these groups have failed to cooperate. The major problem at the moment is that they are not working together on their mutual concerns. The Virginia Advisory Committee hopes to be of help in stimulating cooperation.

Virginia Advisory Committee Members

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Washington

In 1970 blacks were the most populous minority group in the State of Washington. In 1976, however, Hispanic people became the predominant minority with a population of 89,300 (2.5 percent of the State's total population) compared to 86,800 blacks (2.4 percent). The 1970 census also recorded 33,386 American Indians in the State. Out of a total population of 3,571,599 in 1976, 291,700 (8.9 percent) were minorities.

As part of the Viet Nam Settlement Act, 4,500 Indochinese were resettled in Washington. Chief Jonashilinshan, leader of the Samoan community, informed the Northwestern Regional Office of the U.S. Commission on Civil Rights that the Samoan population in Washington has reached 1,500 persons. These persons are living in the Seattle-Tacoma area of the State.

In Washington 10.2 percent of the population is classified as below the poverty level. The proportion of blacks below the poverty level is 21.3 percent; American Indians, 31.5 percent; Hispanics, 22.1 percent; Japanese Americans, 10.0 percent; Chinese Americans, 10.3 percent; and whites, 9.7 percent. In 1972 voters approved an equal rights amendment to the State constitution, and in 1973 the State ratified the Federal Equal Rights Amendment. The 1972 legislature also enacted a community property measure that equalized management powers between spouses. In 1973 the legislature expanded its law against discrimination by adding sex and marital status to the list of areas in which discrimination had been prohibited. This made it illegal to discriminate in employment, real estate, insurance, and credit. Since then disability, age, and sexual preference have been added. In 1977 the legislature established the Washington State Women's Council.

Civil Rights Developments

Housing

The condition and availability of housing is a major concern of minorities, women, female heads of households, and the elderly. In fiscal year 1977, the Department of Housing and Urban Development (HUD) allocated $9,996,000 to low-income housing in Washington's metropolitan areas. In nonmetropolitan areas, HUD allocated $4,915,000 of which $1,505,000 was earmarked for Indian housing. However, progress in ameliorating housing problems has been hampered by the depression in the housing industry and the increased cost of home ownership.

A major concern, particularly in regard to the acquisition of housing, is the allegation of redlining practices on the part of lending institutions. There have been a number of studies on redlining in the Seattle area which show that redlining occurs on a geographic and a racial basis in combination with disinvestment, thus leading to the deterioration of minority neighborhoods.

Employment

The Washington Advisory Committee to the U.S. Commission on Civil Rights has been involved in efforts to alleviate employment discrimination in the State. In response to complaints from minorities in Tacoma and Pierce County, the Advisory Committee in 1971 held an informal hearing and issued a report, *Equal Employment Opportunity in the Governments of the City of Tacoma and County of Pierce, Washington.*

Although city and county governments were excluded from Federal enforcement at the time of the hearing, the Washington Advisory Committee felt that local governments should provide leadership in fair and equal hiring practices. Tacoma claimed difficulty in hiring minorities because of a strong municipal union and a tough civil service merit system.

Current data, however, show some improvement in minority employment in the past few years:

- In July 1971 Pierce County had 1,017 employees of whom 40, or 3.9 percent, were minorities. According to the 1970 census, the county's total minority population was over 8 percent. In June 1977 the county had 1,128 employees of whom 73, or 6.5 percent, were from minority groups.

- Of 38 county offices and departments in July 1971, 29 had no minorities, but by June 1977, only 15 offices and departments had no minority employees. The county had only one minority employee in a supervisory position in 1971, and by 1976 the county reported six minority supervisors.
- Tacoma in 1971 had 2,515 city employees of whom 51, or 2 percent, were minorites. Figures for 1969 estimated that nearly 14 percent of the city's population was minority. Of the city's 2,467 employees in 1976, 251, or roughly 10 percent, were from minority groups. The various city departments employed a total of 2,034 persons in 1976, of whom 8.06 percent were minority persons.

According to a study conducted by the Office of Affirmative Action for Women, University of Washington, entitled *Comparable Worth: Equal Pay for Equal Worth*, the major salary problem in sex discrimination lies in the area of responsibility where women are underpaid for carrying the same responsibilities as men. Thus, the study determined that the issue was equal pay for equal responsibilities, even where job titles differ.

The 1974–75 recession exacerbated existing employment problems for minorities and women. Minority persons held 5.5 percent of the jobs in the State of Washington but represented 8 percent of the unemployed. The unemployment rate for all minority categories was 13.3 percent in contrast to 9.5 percent for the white majority. The unemployment rate for females was 10.5 percent.

From 1970 to 1975 the rates of unemployment for Hispanics consistently ranged 4 to 5 percentage points higher than those for all races. Blacks ranged 3 to 4 percentage points higher.

Hispanics are underrepresented in the professional, technical, and managerial classifications. Blacks and other minorities are heavily employed in the labor, operative, and service occupations. Almost all Washington farmworkers are Hispanic. More than 50 percent of working women are employed in the clerical and service fields, while a few working women are found in the craft, labor, and manager occupations. Large numbers of women are employed in professional occupations; however, a large portion of this number is accounted for by the dominance of women in education and nursing, traditional fields for women.

Education

Desegregation is the primary focus of the civil rights effort for the State's elementary and secondary public schools. Seattle public schools have adopted both the magnet school program and a voluntary racial transfer program. Both white and minority students have participated in these efforts, and the result has been a substantial reduction in segregation in 14 of the district's 27 racially imbalanced schools.

A report on the Tacoma school district prepared by the Western Regional Office of the U.S. Commission on Civil Rights indicated that all schools had been desegregated in accordance with State and Federal guidelines by 1971. Not only was the desegregation effort successful, but it also managed to avoid the kind of alienating conflict that often accompanies desegregation efforts. There were several reasons for this. The process was conducted slowly and in sequential steps. Door-to-door visits by teachers and counselors familiarized hundreds of parents with the desegregation goals and the process for accomplishing them. Selective participation of parents and community was encouraged in the planning stages. Schools that had to be closed to effect desegregation were reopened as learning centers, community centers, or special program centers which had citywide attraction for students.

In other areas of civil rights, the Sunnyside School District in 1975 and the Wapato School District in 1976 were found to be in noncompliance with Title I by the Office for Civil Rights, U.S. Department of Health, Education, and Welfare. As yet there is no bilingual-bicultural program in either district.

Minority student participation in State institutions of higher learning has increased since the 1960s. In the fall of 1974, minority student enrollment was 18,165 out of a total student population of 237,128. The 7.6 percent of minority participation in student population compares favorably with the 8.9 percent of the total State population.

The University of Washington has the State's largest student population. In 1968, out of a total student population of 31,000, there were 1,000 minority students, predominantly Asian. Currently, minority students number 4,300 or 12 percent, of the students enrolled. A complaint of racial discrimination in employment against the University

of Washington was filed with HEW's Office for Civil Rights and led to the first investigation of the university. It was also the first attempt by the university to develop an affirmative action plan. Since then the University of Washington has met overall goals in minority and female faculty hiring. The composition of the faculty stands at 6 percent minority. However, problems still remain in the areas of retention of faculty (particularly minority faculty), placement in tenure track positions, and inequities in salary. Females have not achieved the same promotional advantages as minority males. Under supervision of university staff, 184 women are targeted for upgrading in the next 10 years.

The *DeFunis* case emanated from minority enrollment practices at the University of Washington. Although the U.S. Supreme Court declined to review the case on its merits, the decision handed down by the Washington State Supreme Court placed affirmative action programs on a firm legal basis in the State of Washington.

American Indians

The fundamental civil rights issue for American Indians is their unique status of entitlement stemming from treaty relationships with the U.S. Government. Washington is ranked 7th in the 50 States in its population of federally-recognized American Indians and 10th in proportion of American Indian population to total population. There are 36 federally-recognized tribes within the State, ranging in size from several hundred to more than 6,000 members. Of 33,386 American Indians recorded by the 1970 census, 15,845 reside on reservations or receive services from Federal Indian area offices or their subdivisions. Washington is one of the few States in the Union with a large urban Indian population.

On February 12, 1974, a U.S. district court judge handed down a decision on American Indian fishing rights (*U.S. v. State of Washington*). There are four salient points in this decison. First, neither American Indians nor non-I dians are entitled to destroy the salmon and steelhead runs (i.e., enough spawning salmon must be left over to maintain the run). The State has the responsibility to regulate American Indian fishing in a nondiscriminatory manner. Second, the decision declares that non-Indians have no fishing rights on reservations. Third, American Indians have special rights to catch fish for ceremonial and subsistence purposes. Fourth, after American Indians have secured these portions of the harvestable salmon, the remainder is to be divided by a formula of equal sharing, 50–50, with all non-Indians, whether commercial or sport fishers. In response to that decision, the Northwest Indian Fisheries Commission was established to represent American Indians and to provide for managerial participation by American Indians in decisions affecting fish resources.

Unfinished Business

In a report of the Washington Advisory Committee in February 1974, 13,126 Indian children were identified as enrolled in Washington public schools in October 1972. Nearly half of these (6,244 Indian children under BIA trust responsibility), attended public schools in Washington because there were no Federal Indian schools in the State. In addition, the BIA reported that in 1972, 419 Indian children from Washington tribes attended Federal schools in Oregon and elsewhere. At that time, only half of the student population received Johnson-O'Malley funds. Subsequently, the Governor and superintendent of schools appointed a statewide Indian Education Task Force. As a result, there has been increased participation by Indian parents.

The Advisory Committee report also showed that in March 1973, American Indian students were not receiving equal educational opportunities, either as citizens of the State or as recipients of treaty agreements. High dropout rates were attributed to unequal distribution of funds, lack of parental involvement, and inadequate teacher training.

On the other hand, there is evidence that American Indian student achievement can be substantially improved. The Taholah School (Quinalt Reservation) was governed by American Indians and used traditional methods to educate the children. The result was a decrease in dropout rate and an increase in scholastic motivation. Equally effective was the Seattle public schools' American Indian Heritage Program, which originated in the American Indian community. It succeeded in lowering the dropout rate of American Indian children by focusing on American Indian students as special segments of the school population.

Enforcement of fair housing practices has been promoted by HUD and the Washington State Board Against Discrimination. In 1977 both the Seattle and Tacoma housing authorities were found in noncompliance of Title VI by the Region X office of the Department of Housing and Urban Development. The Seattle Housing Authority rectified its program. However, the Tacoma Housing Authority is still in the process of formulating a plan to comply with HUD's equal opportunity guidelines. HUD processed 66 complaints under Title VIII in the year July 1, 1976, to June 30, 1977, while the Washington State Board Against Discrimination received 157 real estate transaction complaints and 44 credit transaction complaints in 1976.

Of great concern is the primary and secondary education curriculum for minorities and women. For women and minorities to gain job placement in areas in which they are traditionally underrepresented, they must have greater skill in mathematics and this skill has to be developed before entering universities or colleges. Thus, the end of discriminatory practices at the adult level is contingent upon the incorporation of mathematical training into the curriculum programs for minority and female children.

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Theresa A. Shepro

West Virginia

The State of West Virginia had a population of 1,744,237, according to the 1970 census. Of that total, 70,757 or 4.1 percent were minorities: 67,342 blacks, 751 American Indians, 368 Japanese Americans, 373 Chinese Americans, 722 Pilipinos, and 1,201 Hispanics and others. The median family income was $7,414; 17 percent lived on incomes below $3,000 and 10 percent on incomes exceeding $15,000.

The State's economy is based mainly on coal mining; chemical and metal industries; stone, clay, and glass production; finance; insurance; real estate; and agriculture.

Less than 4 percent of West Virginia's population is black, probably because the State never developed a plantation economy or a cotton culture. Indeed, some counties have fewer than 10 black residents. The State has an impressive legal framework for the protection of civil rights. Gains have been made, but discrimination has taken on more subtle forms and still pervades employment, housing, education, and the administration of justice.

Civil Rights Developments

Agencies, Organizations, and Laws

The West Virginia Human Rights Commission was created by the State legislature in 1961. Although 14 local commissions were formed within 2 years, that number quickly diminished to only a few active bodies. Some were inactive because they perceived no civil rights problems; other were hamstrung from their inception by local leaders interested in maintaining the status quo.

The State commission's original mandate was to encourage mutual understanding and respect among all racial, religious, and ethnic groups within the State and to eliminate discrimination in employment and public accommodations. Subsequent amendments have given it power to issue subpenas and to fine violators in housing cases.

Among the private organizations in the struggle for human rights is the National Association for the Advancement of Colored People (12 chapters in West Virginia), the American Civil Liberties Union, and the League of Women Voters. Notable among local civil rights groups was the Parkersburg Brotherhood dating back to the 1940s, which provided important channels of communication between blacks and whites. Also, in the early civil rights years the Kanawha Valley Council of Human Rights brought black homeseekers into contact with willing sellers and renters in previously segregated areas. The Mercer County Council of Human Relations was organized in response to the first public demonstrations against patterns of community segregation and included citizens from Mercer County, West Virginia, and Tazewell, Virginia. This council eventually affiliated with the Southern Regional Council, one of the leading forces for civil rights progress in the South. Primarily an educational and discussion group, it, too, bolstered communications between blacks and whites.

At the Federal level, the West Virginia Advisory Committee to the U.S. Commission on Civil Rights has been instrumental in monitoring and investigating civil rights issues within the State and recommending solutions to the problems it studies. Its strength lies in identifying civil rights problems and being a Federal presence with a local constituency.

The State has expanded its definition of groups whose civil rights are threatened to include the aging, handicapped, women, mental patients, and juveniles. The West Virginia Commission on the Aging was created in 1964 to study the problems of senior citizens and to issue recommendations to the Governor and legislature on a variety of subjects ranging from institutional care to employment.

The Committee on the Employment of the Handicapped was created by executive order in 1968 to advance rehabilitation and employment for all

physically, mentally, and emotionally handicapped citizens of the State.

West Virginia was among the first States to pass the Equal Rights Amendment, and in 1977 the legislature established a commission on women. The State has an "equal pay for equal work" statute, liberalized and no-fault divorce laws, and a revised criminal code which bans the use of a women's sexual history as admissable evidence in rape cases.

Mental health laws assure patients of specific hearing processes at the time of confinement and guarantee regular reviews of their cases.

The privately funded Appalachian Research and Defense Fund provides a legal counseling system for this group, as well as others, to ensure access to legal counsel should their rights be impaired.

The State has recently increased penalties for child abuse and modified certain kinds of punishment for juvenile offenses. Juveniles are no longer jailed for possession of marijuana, but are issued strong warnings on first arrest. If the offense is not repeated, juveniles have no police record to follow them into adulthood.

West Virginia also abolished capital punishment in the mid-1960s. Revision in the State judicial system has curtailed the justice of the peace system and replaced it with a system of salaried magistrates.

Employment

There have been gains in employment opportunity, but the NAACP has brought and has pending many cases of employment bias. In addition to suffering from employment discrimination, blacks and women have the highest jobless rates in the State. A February 1977 report indicated unemployment rates of 14 percent for blacks and 11.2 percent for women. The overall State unemployment rate then stood at 10.4 percent. Black males have a 12.9 percent jobless rate contrasted to 15.3 percent for black women.

Of 231,150 women in the labor force, 25,920 were jobless. The proportion of working women in rural areas is 15 to 20 percent below the national average. According to some observers, the status of women in this State has not changed in 30 years.

Women represent less than 1 percent of the total number of coal miners. Even the service jobs traditionally held by women are not increasing as fast as the population and the salaries remain generally lower.

Housing

Housing, which is a problem across the State, is particularly severe for low-income minorities who are priced out of most good housing and suffer as well from discrimination. A current case before the West Virginia Supreme Court will determine whether or not the West Virginia Human Rights Commission can make monetary awards in cases of housing discrimination. Recently, the West Virginia Advisory Committee turned its attention to Huntington, where use of Federal community development block grant funds is under investigation. It has been alleged that insufficient funds have been allocated for the rehabilitation of black housing and that redlining has occurred.

Public Schools

As in all of the Border States, school desegregation moved slowly in West Virginia. There was no official opposition to *Brown v. Board of Education* and desegregation of public schools began in 1955. Freedom of choice plans and school consolidation were used initially to achieve integration. By the late 1960s, all high schools and junior high schools were desegregated but elementary school desegregation has progressed at a slower pace. There are now approximately 17,000 minority students out of a total State school population of approximately 400,000.

When schools were consolidated for integration, some black administrators and teachers were demoted or dismissed. In 1964–65, for example, there were 60 black principals in West Virginia schools. By 1972 that number had dwindled to 22. When black supervisors retired, they were generally replaced by whites.

A West Virginia Advisory Committee report on Raleigh County (undertaken in connection with a national study by the U.S. Commission on Civil Rights) cited the need for more black teachers and administrators, urged expanded human relations training for teachers, and observed that hostile attitudes on the part of white teachers have in part contributed to discipline problems among black students. Chief among the concerns of black parents is the quality of their children's education.

Racial tension has grown out of the feeling that black students get a "raw deal" in the classroom and in discipline.

The Advisory Committee also monitored the Kanawha County textbook controversy in 1974 in which a citizens' committee contended public school textbooks were irreligious and unpatriotic. The Advisory Committee's investigation pinpointed an undercurrent of racial prejudice in the emotional controversy which resulted in picketing and violence on numerous occasions. The Committee supported the county board of education's decision to retain the controversial textbooks, reasoning that the school children of Kanawha County need to learn about other racial and ethnic groups, and also condemned the acts of violence accompanying the controversy.

Administration of Justice

The Advisory Committee is concerned with the exclusion of women and minorities from law enforcement positions and occasional allegations of excessive use of force by police against minorities. Charges of harassment of racially mixed couples are still brought to the attention of human rights agencies and the NAACP.

Non-job-related regulations and physical requirements remain as barriers to the employment of minorities and women as law enforcement officers in the State. Job discrimination cases continue to challenge biased hiring policies.

An Advisory Committee informal hearing in 1974 focused attention on the treatment of inmates at the Federal Reformatory for Women at Alderson.

Unfinished Business

Critics of the status of civil rights in West Virginia point to institutionalized racism as the State's biggest problem. It is manifested in the sporadic instances of discrimination in public accommodations that continue to persist.

The earliest civil rights battles centered on service in such public accommodations as hotels, restaurants, parks, and recreational facilities. Blacks in West Virginia picketed, demonstrated, and conducted sit-ins to gain access to these facilities. The battle has still not been won.

While some progress has been made by minorities, much remains to be done, despite different perceptions of the problems. There are some blacks who view past governmental efforts in civil rights as having been manipulative and largely symbolic. At the same time, some whites believe that enough (if not too much) has been done and that civil rights problems no longer exist. To most observers, work remains in the areas of education, employment, housing, police-community relations, and political participation. The West Virginia Advisory Committee intends to continue its work in these areas.

West Virginia Advisory Committee Members

James B. McIntyre, *Chairperson*
Ancella R. Bickley
Charles V. Brock
Cora L. Floyd
Harold A. Gibbard
Sarah E. Goines
Betty A. Hamilton
Most Rev. Joseph Hodges
Delbert J. Horstemeyer
Pauline F. Huffman
Anne P. Jones
Paul J. Kaufman
Howard D. Kenney
Margaret C. Mills
Donald L. Pitts
Charlene C. Pryor
Salley K. Richardson
Paul D. Stewart
Fred Wintercamp

Wisconsin

When one speaks of the State of Wisconsin the words "Green Bay Packers" and "Wisconsin cheese" come to mind. Wisconsin is noted for its dairy products, although there is a substantial amount of industry. It is also recognized for its vast number of lakes and forests, heavily concentrated in the northern part of the State. It is the 16th-largest State in the Union with a total population of 4,417,731. The population in the State increased 12 percent between 1960 and 1970. The current minority population is 155,787. Women are 52.1 percent of the State's population.

Approximately 30 percent of the population resides in the suburban areas and 27 percent in the central cities. As in many cities throughout the Nation, minorities account for an increasing proportion of central city population in Wisconsin. The five largest cities and their populations are: Milwaukee (717,099); Madison (173,258); Racine (95,162); Green Bay (87,809); and Kenosha (78,805). Milwaukee, which is the most industrialized city, and Madison, which is the State capital, are the two major cities in Wisconsin.

Milwaukee is noted mostly for the amount of beer it produces. The total population of Milwaukee County in April 1970 was 1,054,063, including 940,938 whites (87.6 percent), 106,012 blacks (10.1 percent), 21,906 Hispanics (2.1 percent), and 6,639 of other nationalities.

Madison has an unemployment rate of approximately 5.6 percent. More than 30 percent of those employed work for Federal, State, and local governmental units.

Civil Rights Developments

Education

Most minority students are enrolled in school systems in Milwaukee, Madison, and Racine. Both Racine and Milwaukee school systems have developed desegregation plans. The U.S. district court ruled that Milwaukee had maintained a racially segregated school system and in September 1976 the city implemented a voluntary desegregation plan. The Racine desegregation plan is now in its second year. Both efforts to desegregate have been accomplished without any serious violence.

The U.S. Supreme Court in *Madison School District v. Wisconsin Employment Relations Commission* gave a nonunion teacher the right to speak at an open school board meeting on pending union negotiations.

In Milwaukee a Federal district court found that school administrators and the board had maintained a racially segregated system and appointed a special master to construct a plan for desegregation to be implemented in September 1977. The plan being tried in the 1977–78 school year is a voluntary one that relies heavily on educational incentives as a means of attracting white students to the predominantly minority inner-city schools.

The Wisconsin Advisory Committee conducted a study of disciplinary practices in the State universities in Wisconsin. Most of the complaints which prompted the study came from students at the Oshkosh and Whitewater campuses of the University of Wisconsin who claimed that black students received harsher disciplinary treatment than whites following a series of demonstrations. Among the findings of the investigation were that attitudes of the central administration and faculty often discouraged minority enrollment in the university system, and that there is a shortage of counselors, tutors, and special programs to deal with the needs of minority students.

Housing

Since 1960 fair housing advocates have worked for better housing. There is still a serious housing segregation problem in Milwaukee, however. Milwaukee's Mayor Henry J. Maier said on May 19, 1976, that the Milwaukee metropolitan area is the most segregated in the United States. The 1970 census and the 1975 special city census revealed that there is a clear-cut distinction between areas where blacks and whites live.

Housing Milwaukee's Poor: Obstacles and Responsibilities, a report released by the Wisconsin

Advisory Committee in 1971, examined the problems of distributing low-income housing throughout a metropolitan region. It examined the various roles of State and local agencies including the State of Wisconsin, the city and county of Milwaukee, and the Southeastern Wisconsin Regional Planning Commission (SEWRPC).

The study of low-income housing dealt with racial matters implicitly rather than explicitly. Although low-income housing may directly be a matter of economic segregation, residential racial patterns in the Milwaukee area show that minority people are disproportionately grouped in the central city, while the more affluent neighborhoods are nearly all white.

The State, city of Milwaukee, Milwaukee County, and SEWRPC did take some positive steps in the early 1970s to improve the housing supply. However, until low-priced housing is available throughout metropolitan areas, few inroads to end racial segregation can be expected.

Sex Discrimination

Women in Wisconsin have long suffered discrimination, particularly in employment. With the passing of the Federal Equal Pay Act of 1963, the Civil Rights Act of 1964, and the Wisconsin Fair Employment Practice Law, an increasing number of women are filing discrimination complaints.

The State government of Wisconsin provides an example of the inequality in employment opportunities. Of the 33,851 permanent classified employees, 16,187 (47.8 percent) are women. According to the State affirmative action unit, most of the women work in paraprofessional and clerical jobs. In an attempt to open up opportunities for women, Governor John B. Reynolds established the Wisconsin Governor's Commission on the Status of Women in 1964.

Prisons

On July 27, 1976, 88 prisoners of the Waupon Prison took over the industrial building and held 14 prison employees hostage for 13 hours. The inmates released the hostages after being granted amnesty. Inmates were protesting the alleged inhumane treatment they received from prison guards, the lack of medical care, and the length of time inmates were kept in the isolation cell. Only 2 of the 300 prison officials at Waupon are black, while 40 percent of the prison population is black. Conditions at this maximum security institution remain unchanged despite recommendations made to prison officials by at least one State senator.

American Indians

A report prepared by the Midwestern Regional Office staff entitled, *On the Way Back: A Restoration of the Menominee to Tribal Status*, outlined the history of the Menominee Tribe before, during, and after termination of its tribal status. The report described the effect of that policy on the tribe today and the current status of the restoration process. Two findings of the investigation were that the tribe lacked a general understanding of the management of Federal grants and that law enforcement personnel lacked necessary training, thus creating an unstable situation on the reservation.

Unfinished Business

The Advisory Committee report, *Police Isolation and Community Needs*, issued in 1972, concluded that the Milwaukee Police Department is unable to cope with significant changes in the community it serves. The investigation revealed that the department needed to be restructured and made accountable to the electorate. The report examined all operations of the police department and its effect on both the majority and minority communities. The Milwaukee Police Department, however, does not appear to have made any significant changes in its relationship with the community since the report.

Many of the issues which have arisen over the past two decades remain alive in Wisconsin. Indians still face a multitude of problems. Conflicts remain between the Milwaukee police and various segments of the community. Access to decent housing on an equitable basis in Milwaukee is still not a reality. Equal employment opportunities for minorities and women remain to be achieved. In general, Wisconsin faces the many civil rights problems which plague most communities in the United States today.

Wisconsin Advisory Committee Members

Percy L. Julian, Jr., *Chairperson*
Sara J. Bales
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George W. Bray
Ricardo R. Fernandez
Gloria Gilmer
Patricia Gorence
Daniel H. Neviaser
Juanita Renteria
Ruth E. Salzmann
Kenneth M. Schricker
Pamela F. Smith
Paul T. Spraggins
Michael J. Stolee
Julian Thomas
Robert R. Williams

Wyoming

According to the 1970 census, 332,416 people reside in Wyoming. Hispanics, 5.6 percent of the population, are the largest minority group in the State. American Indians, many of whom live on the Wind River Reservation, represent 1.4 percent of the population. Blacks make up 0.7 percent of the residents, and Asian Americans 0.2 percent. Approximately 92 percent of the State's population are white.

Civil Rights Developments

While still a territory, Wyoming enacted a law in 1876 prohibiting discrimination in the compensation of public school teachers because of race, sex, or religious belief. At least five sections of the original constitution, still in effect, emphasize equal opportunities for minorities and women. Two stress that all persons are equal regardless of race, color, or sex. Nearly 30 years before the 19th amendment to the U.S. Constitution, women were assured the right to vote and to hold political office in Wyoming.

The State constitution also contains two provisions that affect the educational opportunities of women and minorities. One section ensures that all persons have equal access to public schools; the other guarantees that the University of Wyoming will be open to all students regardless of sex, race, or color. It was not until 1957, however, that the State legislature reaffirmed its adherence to some of the constitutional principles adopted nearly 70 years before.

In 1959 the Wyoming Legislature passed a statute mandating that women and men receive equal pay for equal work. Three years in advance of the Federal Government, the State enacted a law in 1961 prohibiting discrimination based on race, religion, color, or national origin in all public places.

The Wyoming State Fair Employment Commission enforces legislation which makes it unlawful for employers and labor unions to refuse to hire, discharge, demote, or promote, or discriminate in matters of compensation because of race, sex, creed, color, national origin, or ancestry. As with other commissions throughout the Nation, the Wyoming agency has the power to conciliate and hold hearings. Commission determinations are enforceable and appealable through the State court system.

The Wyoming Legislature has passed several other laws which have assisted the State in living up to its name of the "Equality State." Unfortunately, Wyoming is still one of approximately a dozen States which did not follow the lead of the Federal Government in 1968 and pass a fair housing law. The absence of a State mechanism to combat housing discrimination is a major concern of the Wyoming Advisory Committee.

Civil Rights Enforcement

In 1967 a statute was enacted making it unlawful to discriminate on the basis of race, creed, color, or national origin against applicants to medical assistance programs. Two years later, the legislature created the Wyoming Commission on the Status of Women. This 27-member committee, once chaired by State Advisory Committee member Edna Wright, is similar to the U.S. Commission on Civil Rights in that it collects information and publishes reports relating to discrimination, although it has no enforcement powers. The Wyoming commission studies developments in education and employment (in the home and community) and studies the legal rights and responsibilities of women.

Two laws of major impact on civil rights were enacted by the State legislators during the recently completed 1977 session. The first of the two statutes, both of which took effect in May, makes the sexual assault law neutral on its face. Distinctions in the law are no longer based on the sex of the assailant or the victim but rather on the severity of the offense. The other statute, overhauling the abortion laws in Wyoming, has held the attention of the State Advisory Committee. In November 1976 the Wyoming committee voted to

conduct a study of the availability of abortions in the State's 27 public hospitals. Two months later, the Wyoming Legislature enacted a statute that placed the State in strict conformance with the U.S. Supreme Court decision in *Roe v. Wade*, affirming a woman's right to an abortion.

The 1977 State law is based in large part on the finding of the Wyoming Supreme Court 4 years earlier that State restrictions on a woman's access to abortion services are unconstitutional. The new law defines abortion and mandates, for the first time, the keeping of statistical information on the number and type of abortion services.

On June 29, 1977, the State Advisory Committee released its report, *Abortion Services in Wyoming*. Through its investigation, the Committee found that nearly half of the hospitals in the State have bylaws that are unconstitutional. Approximately a dozen hospitals in Wyoming prevent the performance of elective abortions in contravention of U.S. Supreme Court decisions and the State supreme court. The Advisory Committee also discovered that 50 percent of all abortions on women who reside in Wyoming are performed out-of-State. Little information about the many aspects of abortion was shown to exist, even among those responsible for referral services. The overwhelming majority of physicians, who legally could perform abortions, do not do so. Many in the Wyoming medical community were found to lack the medical skills to perform abortions. As a result, women requiring the operation are sent several hundred miles away for the service.

The Advisory Committee also made several recommendations that it hopes can remedy the situation in the State, including cutting off funds to those hospitals that violate the law and educating physicians and the general public about the laws concerning abortion services. Although the U.S. Supreme Court ruled in several cases in June 1977 that Federal, State, and local governments do not have to provide funds for abortions in public facilities, the High Court reaffirmed a woman's right to an abortion in a public facility if she could afford such services.

Unfinished Business

The Wyoming Advisory Committee has discussed the undercount of Hispanics in the 1970 census. The chairperson of the Advisory Committee sent a letter in April 1977 to the Wyoming Department of Vital Statistics asking that it tabulate statistics on the number of Hispanics. This information, which is not kept at the present time, will aid the U.S. Bureau of the Census in tabulating more accurate population statistics in 1980.

The Advisory Committee is planning a major investigation into educational opportunities for minorities in at least three counties in the State. The project will encompass those programs which are available to children from the local, State, and Federal levels. The Advisory Committee will study whether those services are reaching all children under their jurisdiction. Additionally, Committee members will collect information relating to employment and housing opportunities for minorities and women interested in bettering the education systems in the State. The project will be highlighted by an informal hearing in 1978.

In conjunction with other Advisory Committees in the Rocky Mountain region, the Wyoming Committee will participate this year in a project to investigate educational opportunities available to the children of farmworkers who follow the migrant stream from Texas and New Mexico through Colorado, Wyoming, Montana, and North Dakota. The study is scheduled to result in the publication of a photographic essay which will trace the life of a migrant child.

Two issues that affect the American Indian populations, not only in Wyoming but throughout the West, will be of utmost concern to the State Advisory Committee in the next few years. The first is how the criminal justice systems in areas bordering on reservations treat Native Americans. Allegations of police brutality have been the focal point of Advisory Committee studies in Arizona, North and South Dakota, and New Mexico and will be the unifying theme for Commission hearings in the Northwest, Southwest, the Dakotas, and Washington, D.C. The Dakota hearing may cover issues that affect the rights of American Indians in eastern Wyoming.

The second issue relates to the effects that energy development will have in Wyoming. It is estimated that the annual production of coal in the State could exceed 221 million tons by 1990. This could threaten the future of the Indian reservations in Wyoming and also bring more people into the State looking for jobs. The influx of more peo-

ple into the second smallest State in the Union would create new demands in the State.

As in Montana and North and South Dakota, civil rights advocates in Wyoming are concerned by the appearance of groups that are lobbying Congress to obliterate the reservation system and open Indian lands to white ranchers and investors who resent having to work through tribal authorities.

The Wyoming Advisory Committee will also follow with interest the building of a new State prison outside Rawlins. Partially as the result of a suit by the American Civil Liberties Union, the 1977 Wyoming Legislature authorized $25 million to replace the existing facility. The ACLU charged in its lawsuit (which has since been dropped) that the existing institution violated the rights of the inmates and constituted cruel and unusual punishment. Even with the new prison, however, problems involving employment, training, and equal treatment of minorities by the correctional system will remain.

In spite of increased educational opportunities for minorities, the Wyoming Advisory Committee is concerned about the low quality of education provided to minority children in the State. Committee members are troubled by the small number of minorities working within the school systems and the difficulties those employed experience in seeking suitable housing.

Wyoming Advisory Committee Members

Juana Rodriguez, *Chairperson*
Fuji Adachi
Gerald Brown
Leona Coykendall
Juan Abran De Herrera
Donald Lucero
Harold Meier
Mariko Miller
Jamie Ring
Ethel Rose
David Scott
Edna Wright

APPENDIX 1

ROSTER OF REGIONAL OFFICES

NORTHEAST REGIONAL OFFICE (NERO)
U.S. Commission on Civil Rights
26 Federal Plaza, Room 1639
New York, New York 10007
(212) 264–0400
Director: Jacques E. Wilmore

Connecticut
Maine
Massachusetts
New Hampshire
New Jersey
New York
Rhode Island
Vermont

MID-ATLANTIC REGIONAL OFFICE (MARO)
U.S. Commission on Civil Rights
2120 L Street, N.W., Room 510
Washington, D.C. 20037
(202) 254–6717
Director: Jacob Schlitt

Delaware
District of Columbia
Maryland
Pennsylvania
Virginia
West Virginia

SOUTHERN REGIONAL OFFICE(SRO)
U.S. Commission on Civil Rights
Citizens Trust Bank Building, Room 362
75 Piedmont Avenue, N.E.
(404) 221–4391
Director: Bobby D. Doctor

Alabama
Florida
Georgia
Kentucky
Mississippi
North Carolina
South Carolina
Tennessee

MIDWESTERN REGIONAL OFFICE (MWRO)
U.S. Commission on Civil Rights
230 South Dearborn Street, 32d Floor
Chicago, Illinois 60604
(312) 353–7371
Director: Clark C. Roberts

Illinois
Indiana
Michigan
Minnesota
Ohio
Wisconsin

SOUTHWESTERN REGIONAL OFFICE (SWRO)
U.S. Commission on Civil Rights
New Moore Building, Room 231
106 Broadway
San Antonio, Texas 78205
(512) 223–6821
Director: J. Richard Avena

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

CENTRAL STATES REGIONAL OFFICE (CSRO)
U.S. Commission on Civil Rights
Old Federal Office Building, Room 3103
911 Walnut Street
Kansas City, Missouri 64106
(816) 374–2454
Director: Thomas L. Neumann

Iowa
Kansas
Missouri
Nebraska

ROCKY MOUNTAIN REGIONAL OFFICE (RMRO)
U.S. Commission on Civil Rights
Executive Tower Inn, Suite 1700
1405 Curtis Street
Denver, Colorado 80202
(303) 837–2211
Director: Shirley Hill Witt

Colorado
Montana
North Dakota
South Dakota
Utah
Wyoming

WESTERN REGIONAL OFFICE (WRO)
U.S. Commission on Civil Rights
312 North Spring Street, Room 1015
Los Angeles, California 90012
(213) 688–3437
Director: Philip Montez

Arizona
California
Hawaii
Nevada

NORTHWESTERN REGIONAL OFFICE(NWRO)
U.S. Commission on Civil Rights
915 Second Avenue, Room 2852
Seattle, Washington 98174
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Alaska
Idaho
Oregon
Washington

APPENDIX 2
ALPHABETICAL CHART OF STATE ADVISORY COMMITTEE PUBLICATIONS (1962–1977)

STATE	YEAR	TITLE	AFFECTED PERSONS	LANGUAGE
ALABAMA	1968	The Agricultural Stabilization and Conservation Service in the Alabama Black Belt	Blacks	English
	1973	The Tuskegee Study	Blacks	English
	1974	Alabama Prisons	Prisoners	English
ARIZONA	1974	Adult Corrections in Arizona	Prisoners	English
	1975	Indian Employment in Arizona	American Indians	English
	1977	Justice in Flagstaff: Are These Rights Inalienable?	American Indians	English
ARKANSAS	1966	Employment, Education, and Voting	Minority Communities	English
	1974	Blacks in the Arkansas Delta	Blacks	English
CALIFORNIA	1966	Analysis of the McCone Commission Report	Minorities	English
	1968	Education and the Mexican American Community in Los Angeles	Mexican Americans	English
	1970	Police/Community Relations in East Los Angeles	Mexican Americans	English
	1971	Political Participation of Mexican Americans in California	Mexican Americans	English
	1973	The Schools of Guadalupe: A Legacy of Educational Oppression	Mexican Americans	English
	1973	Reapportionment of Los Angeles' 15 City Councilmanic Districts	Mexican Americans	English
	1973	Educational Neglect of Mexican American Students in the Lucia Mar Unified School District Negligences en la educacion de estudiantes Mexico Americanos	Mexican Americans	English/Spanish
	1974	Las Escuelas de Guadalupe: Un Legado de Opresion	Mexican Americans	Spanish
	1975	A Dream Unfulfilled: Korean and Pilipino Health Professionals in California	Asian and Pacific Americans	English
	1975	Asian Americans and Pacific Peoples: A Case of Mistaken Identity	Asian and Pacific Americans	Chinese, Japanese, Korean, English
	1976	State Administration of Bilingual Education—¿Si o No?	Hispanics and Asian Americans	English
	1977	Evaluation of Educable Mentally Retarded Programs in California	Minorities	English
COLORADO	1974	Colorado Prison Study	Prisoners	English
	1976	Access to the Legal Profession in Colorado by Minorities and Women	Minorities/Women	English
	1976	Access to the Medical Profession in Colorado by Minorities and Women	Minorities/Women	English
	1977	The Silent Victims: Denver's Battered Women	Women	English
	1977	A Woman, A Spaniel, A Chestnut Tree (Film)	Women	English
CONNECTICUT	1963	Report on Connecticut: Family Relocation under Urban Renewal	Minorities	English
	1973	El Boricua: The Puerto Rican Community in Bridgeport and New Haven	Puerto Ricans	English
	1977	School Desegregation in Stamford, Connecticut	Blacks	English
DELAWARE	1970	The Police and Minority Community in Wilmington, Delaware	Minorities	English
	1974	The Delaware Prison System	Prisoners Minorities	English

STATE	YEAR	TITLE	AFFECTED PERSONS	LANGUAGE
DISTRICT OF COLUMBIA	1963	Report on Washington, D. C.: Employment	Blacks	English
	1971	The Movement of Federal Facilities to the Suburbs	Minorities	English
	1974	Obstacles to Financing Minority Enterprises	Minorities	English
FLORIDA	1964	Report on Panama City	Minorities	English
	1972	Police/Community Relations in Tampa: The Beginning or the End?	Minorities	English
	1975	Toward Police/Community Detente in Jacksonville	Blacks	English
	1976	Policed by the White Male Minority: A Study of Police/Community Relations in Miami and Dade County	Hispanics	English
	1976	Mantenimiento del Orden Publico por Una Minoria de Hombres Blancos: Un estudio de las relaciones entre la policia y la Comunidad en Miami y en el Candado Dade, Florida	Hispanics	Spanish
GEORGIA	1976	Georgia Prisons	Prisoners	English
ILLINOIS	1966	Police/Community Relations in Peoria, Illinois	Minority Communities	English
	1974	Bilingual/Bicultural Education: A Right or a Privilege? La Educacion Bilingue/Bicultural: Un Privilegio o un Derecho?	Hispanics	English/Spanish
	1975	A Decade of Waiting in Cairo	Blacks	English
	1976	Equal Education: A Right Igualidad en la Educacion: Un Derecho	Hispanics	English/Spanish
INDIANA	1966	Gary Midtown West Families on AFDC	Minorities	English
	1968	Student Friction and Racial Unrest at Southside High School, Muncie, Indiana	Minorities	English
	1971	Racial Conditions in Indiana's Penal Institutions	Prisoners	English
	1975	Indiana Migrants: Blighted Hopes, Slighted Rights	Migrants	English
	1977	Equal Opportunity in Fort Wayne Community Schools: A Continuing Struggle	Minorities	English
IOWA	1964	Urban Renewal Programs and Their Effects in Three Iowa Cities	Blacks	English
	1970	Adonde Vamos Ahora? (Where are we going from here?)—Problems of the Spanish Surnamed and Migrant Population in Iowa	Hispanics/Migrants	English
	1971	Walk Together Children: Housing and Education in Waterloo, Iowa	Minority Communities	English
	1974	Racial Problems in Fort Dodge, Iowa	Blacks	English
	1976	How Far Have We Come?—Migrant Labor in Iowa: 1975 ¿Que lejos hemos venido?	Hispanics/Migrants	English/Spanish
KANSAS	1963	Report on Civil Rights Aspects of Vocational Education	Minority Communities	English
	1974	Inmate Rights and the Kansas State Prison System	Prisoners	English
	1975	The Availability of Credit to Kansas Women	Women	English
LOUISIANA	1974	The Quest for Housing: A Study of Housing Conditions in New Orleans	Minority Communities	English
	1976	A Study of Adult Corrections in Louisiana	Prisoners	English
	1977	School Desegregation in Bogalusa, Louisiana	Blacks	English

STATE	YEAR	TITLE	AFFECTED PERSONS	LANGUAGE
MAINE	1965	Report on Maine: Denial of Equal Opportunity in Rental Housing and its Effect on Negroes in Portland and Bangor	Blacks	English
	1974	Federal and State Services and the Maine Indian	American Indians	English
MARYLAND	1965	Report on Maryland: Employment	Blacks	English
	1966	Report on School Desegregation in 14 Eastern Shore and Southern Maryland Counties	Blacks	English
	1971	A Crisis in Housing on the Upper Eastern Shore	Blacks	English
	1971	The Zoning and Planning Process in Baltimore County and its Effect on Minority Group Residents	Minority Communities	English
	1974	Employment Discrimination in the Construction Industry in Baltimore	Blacks	English
	1974	To Grant or Not to Grant	Blacks	English
MASSACHUSETTS	1963	Report on Massachusetts: Housing in Boston	Minority Communities	English
	1965	Report on Racial Imbalance in Boston Public Schools	Blacks	English
	1967	The Voice of the Ghetto: Report on Two Boston Neighborhood Meetings	Minority Communities	English
	1968	Contract Compliance and Equal Opportunity in the Construction Industry	Minorities	English
	1971	The Police and the Minority Community in New Bedford, Massachusetts	Minority Communities	English
	1972	Issues of Concern to Puerto Ricans in Boston and Springfield, Massachusetts	Puerto Ricans	English
	1975	Route 128—Boston's Road to Segregation	Blacks	English
	1976	The Six-District Plan—Integration of the Springfield, Massachusetts, Elementary Schools	Blacks	English
MICHIGAN	1966	Report on Michigan: Employment Problems of Nonwhite Youth	Minorities	English
	1975	Civil Rights and the Housing and Community Development Act of 1974, Vol. I, Livonia	Minority Communities	English
	1976	Civil Rights and the Housing and Community Development Act of 1974, Vol. II: A Comparison with Model Cities	Minorities	English
	1976	Civil Rights and the Housing and Community Development Act of 1974, Vol. III: The Chippewa People of Sault Ste. Marie	American Indians	English
MINNESOTA	1965	Report on Police/Community Relations in Minneapolis and St. Paul	Minorities	English
	1975	Bridging the Gap: The Twin Cities Native American Community	American Indians	English
MISSISSIPPI	1963	Report on Mississippi Administration of Justice	Minorities	English
MISSOURI	1973	Jobs and Housing in St. Louis	Blacks	English
	1975	Balanced Housing Development in Greater Kansas City	Minorities	English
	1976	General Revenue Sharing in St. Louis	Minorities	English
MONTANA	1974	Employment Practices in Montana: The Effects on American Indians and Women	American Indians/ Women	English
	1976	The Media in Montana: Its Effects on Minorities and Women	Minorities/Women	English

STATE	YEAR	TITLE	AFFECTED PERSONS	LANGUAGE
NEBRASKA	1974	Inmate Rights and Institutional Response: The Nebraska State Prison System	Prisoners	English
	1975	Nebraska Official Civil Rights Agencies	Minorities	English
NEVADA	1976	In the Gray Shadow: Parole in Nevada	Prisoners	English
NEW HAMPSHIRE	1974	EEO in State Government	Minorities/Women	English
NEW JERSEY	1963	Report on New Jersey: Survey of Civil Rights	Minorities	English
	1968	Public Housing in Newark's Central Ward	Minority Communities	English
	1976	Hispanic Participation in Manpower Programs in Newark, New Jersey	Hispanics	English
NEW MEXICO	1963	Housing Discrimination in Albuquerque and Las Cruces	Minorities	English
	1974	The Struggle for Justice and Redress in Northern New Mexico	Minorities	English
	1975	Indian Employment in New Mexico State Government	American Indians	English
	1975	The Farmington Report: A Conflict of Cultures	American Indians	English
	1977	Working with Your School	Minorities	English
NEW YORK	1964	Report on Buffalo: Health Facilities	Minority Communities	English
	1967	Obstacles to Opportunity: Education and Employment for Harlem Residents	Blacks	English
	1972	Hometown Plans for the Construction Industry in New York State	Minority Communities	English
	1973	The Puerto Rican and Public Employment in New York	Puerto Ricans	English
	1974	Warehousing Human Beings	Prisoners	English
	1976	Equal Employment Opportunity at the State University of New York	Minorities/Women	English
	1977	The Forgotten Minority: Asian Americans in New York City	Asian Americans	English
NORTH CAROLINA	1962	Equal Protection of the Laws in North Carolina	Minority Communities	English
	1970	Trouble in Greensboro	Blacks	English
	1974	Economic and Political Problems of Indians in Robeson County	American Indians	English
	1976	Prisons in North Carolina	Prisoners	English
NORTH DAKOTA	1977	Criminal Justice for Native Americans in North Dakota	American Indians	English
OHIO	1966	Cleveland's Unfinished Business in Its Inner-City	Minority Communities	English
	1976	Protecting Inmate Rights: Prison Reform or Prison Replacement	Prisoners	English
OKLAHOMA	1968	Equal Employment Opportunity in Lawton, Oklahoma	Minorities	English
	1970	Employment Problems in Enid	Minorities	English
	1974	Indian Civil Rights Issues in Oklahoma	American Indians	English
	1977	School Desegregation in Tulsa	Minorities	English
OREGON	1976	Civil and Human Rights in Oregon State Prisons	Prisoners	English
PENNSYLVANIA	1972	Police/Community Relations in Philadelphia	Blacks	English
	1974	Education and Housing of Puerto Ricans in Philadelphia	Puerto Ricans	English
RHODE ISLAND	1970	Toward Equal Opportunity in the Construction Industry	Minorities	English
	1975	Minorities and Women in Government: Practice versus Promise	Minorities/Women	English
SOUTH CAROLINA	1971	Welfare: The Perpetuation of Poverty	Minorities	English

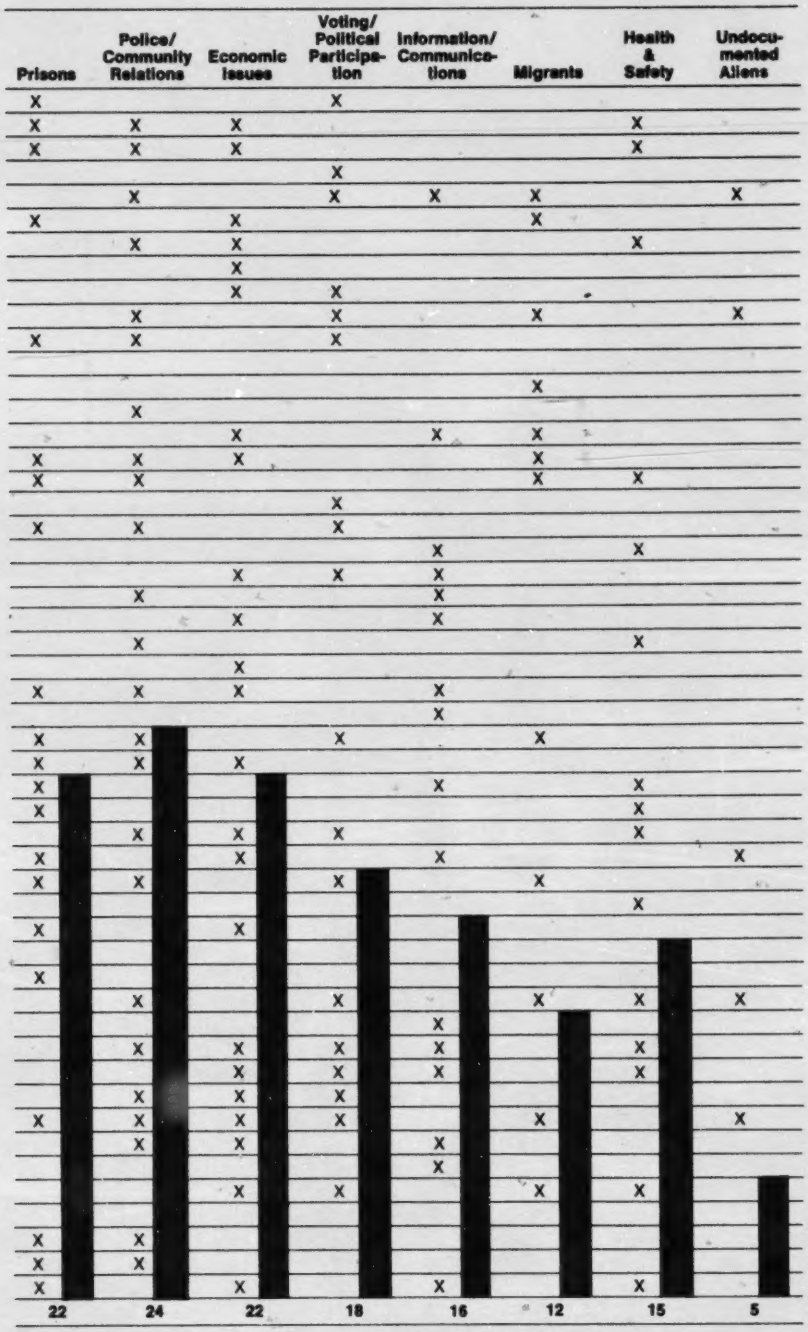
STATE	YEAR	TITLE	AFFECTED PERSONS	LANGUAGE
SOUTH DAKOTA	1963	Report on Rapid City	Minorities	English
	1968	Discrimination in Off-Base Housing: Ellsworth Air Force Base	Minorities	English
	1969	Poor Relief in South Dakota	Minorities	English
	1970	Report on South Dakota: Public Accommodations Law in Practice	Minorities	English
	1977	Equality and Justice for All	American Indians	English
TENNESSEE	1963	A Survey of Health Facilities, Health Services, and Professional Opportunities	Whites/Blacks	English
	1967	Housing and Urban Renewal in the Nashville-Davidson County Metropolitan Area	Minorities	English
	1971	Fear Runs Deep: A Report on Civil Rights in Fayette County	Blacks	English
TEXAS	1967	The Administration of Justice in Starr County, Texas	Minorities	English
	1967	The Civil Rights Status of Spanish-Speaking Americans in Kleberg, Nueces, and San Patricio Counties, Texas	Hispanics	English
	1972	School Finance Reform in Texas	Minority Communities	English
	1977	Working With Your School	Hispanics	English
	1977	School Desegregation in Corpus Christi, Texas	Minorities	English
UTAH	1966	Discrimination in Housing in Utah	Minorities	English
	1975	Credit Availability to Women in Utah	Women	English
	1977	Employment of Minorities and Women in Utah Criminal Justice Agencies	Minorities/Women	English
VERMONT	1973	Closing the Ethnic Gap	Minorities	English
VIRGINIA	1968	The Federal Role in School Desegregation in Selected Virginia Districts	Blacks	English
	1969	The Status of Federal Enforcement of School Desegregation in Virginia—Six Months Later	Blacks	English
	1970	A Report of an Investigation into an Educational Dilemma	Blacks	English
	1971	George Mason College—For All the People?	Blacks	English
	1974	Judicial Selection in Virginia: The Absence of Black Judges	Blacks	English
	1977	School Desegregation in Newport News City, Virginia	Blacks	English
WASHINGTON	1971	Equal Employment Opportunity in the Government of the City of Tacoma and the County of Pierce	Minorities	English
	1974	Report on Indian Education, State of Washington	American Indians	English
WEST VIRGINIA	1977	School Desegregation in Raleigh County	Blacks	English
WISCONSIN	1971	Housing Milwaukee's Poor: Obstacles and Possibilities	Minority Communities	English
	1971	The Black Student in the Wisconsin University System	Blacks	English
	1972	Police Isolation and Community Needs	Minority Communities	English
WYOMING	1977	Abortion Services in Wyoming	Women	English
MULTI-SAC REPORTS KANSAS, MISSOURI	1973	Balanced Housing Development in Kansas City	Minorities	English
MONTANA, NORTH DAKOTA AND SOUTH DAKOTA	1974	Indian Civil Rights Issues in Montana, North Dakota and South Dakota	American Indians	English
DELAWARE, PENNSYLVANIA	1977	The Working and Living Conditions of Mushroom Workers	Minorities	English
COLORADO, NORTH DAKOTA AND WYOMING	1977	Children Who Follow the Crops	Minorities/Women	English
KANSAS, MISSOURI	1977	Crisis and Opportunity: Education in Greater Kansas City	Minorities	English

APPENDIX 3
MATRIX CHART

CIVIL RIGHTS ISSUES IDENTIFIED BY STATE ADVISORY COMMITTEES

STATE	Education	Employment	Women's Issues	Special Groups*	Housing	Civil Rights Enforcement	Indigenous Groups**
ALABAMA	X	X	X	X			
ALASKA	X	X	X		X		X
ARIZONA	X	X	X	X			X
ARKANSAS	X	X	X	X	X		
CALIFORNIA	X			X			
COLORADO	X	X	X	X	X		
CONNECTICUT	X	X	X		X	X	X
DELAWARE	X	X	X		X	X	
DISTRICT OF COLUMBIA			X	X	X	X	
FLORIDA	X	X	X	X			
GEORGIA	X	X				X	
HAWAII	X	X			X		X
IDAHO	X	X	X	X	X	X	X
ILLINOIS	X	X	X	X	X		
INDIANA	X	X				X	
IOWA	X	X	X	X	X	X	X
KANSAS	X	X	X	X	X	X	X
KENTUCKY	X	X	X	X		X	
LOUISIANA	X		X	X	X	X	
MAINE	X	X	X	X		X	X
MARYLAND	X	X	X	X	X	X	
MASSACHUSETTS	X	X	X	X	X	X	X
MICHIGAN	X				X	X	
MINNESOTA	X	X	X	X		X	X
MISSISSIPPI	X	X	X	X	X		
MISSOURI	X	X	X		X	X	
MONTANA		X	X	X	X		X
NEBRASKA	X	X	X	X	X	X	X
NEVADA		X	X	X			X
NEW HAMPSHIRE	X	X	X	X		X	
NEW JERSEY	X	X	X	X		X	
NEW MEXICO	X	X	X	X			X
NEW YORK	X	X	X	X		X	X
NORTH CAROLINA	X	X	X	X			X
NORTH DAKOTA	X	X	X			X	X
OHIO	X	X	X		X	X	
OKLAHOMA	X	X	X			X	X
OREGON	X	X	X	X	X		X
PENNSYLVANIA	X	X			X	X	
RHODE ISLAND	X	X	X			X	X
SOUTH CAROLINA	X	X	X	X	X		
SOUTH DAKOTA	X	X	X		X	X	X
TENNESSEE	X		X	X			
TEXAS	X	X	X	X	X	X	
UTAH	X	X	X	X	X		X
VERMONT	X		X	X		X	X
VIRGINIA	X	X	X	X	X	X	
WASHINGTON	X	X	X	X	X		X
WEST VIRGINIA	X	X	X		X	X	
WISCONSIN	X	X	X		X		X
WYOMING	X	X	X		X	X	X
TOTALS	48	45	45	34	31	31	26

*SPECIAL GROUPS INCLUDE: BLACKS, ALL HISPANICS, ASIANS, & OTHER RACE/ETHNIC GROUPS
**INDIGENOUS GROUPS INCLUDE: AMERICAN INDIANS, NATIVE ALASKANS, & NATIVE HAWAIIANS



NOTE: BAR GRAPH INDICATES NUMBER OF STATE ADVISORY COMMITTEES IDENTIFYING EACH ISSUE.

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